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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1187th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 11 February 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third periodic report of Bahrain

* No summary record was issued for the 1186th meeting.

This record is subject to correction.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third periodic report of Bahrain (CEDAW/C/BHR/3; CEDAW/C/BHR/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bahrain took places at the Committee table.*

2. **Ms.** Mariam **Al Khalifa** (Bahrain), introducing the third periodic report of Bahrain (CEDAW/C/BHR/3), said that she wished to convey the greetings of Her Royal Highness Princess Sabeeka Bint Ibrahim Al Khalifa, wife of the King of Bahrain and President of the Supreme Council for Women. Women had become key partners in development in Bahrain, and their level of participation had increased in the labour market as well as in economic, social, cultural and political affairs.

3. Since the submission of the third periodic report in July 2011, the Supreme Council for Women, which was the lead agency for women's affairs in Bahrain, had organized the Second National Conference on Mainstreaming Women's Needs in Development, evaluated the national plan for the implementation of the National Strategy for the Advancement of Women, and carried out a joint study with the Arab Women's Organization on the public-sector workforce in Bahrain. The study showed that, as of 2011, women accounted for 48 per cent of public-sector employment. The sharp increase in women's participation in the general Bahraini workforce reflected the political will of the Bahraini leadership to empower women in all fields.

4. The Supreme Council for Women had developed a procedure for ensuring that government ministries and other public institutions set up internal committees to monitor and improve their performance in empowering women and in providing them with equal opportunities. It had also worked with the Supreme Judicial Council to strengthen the role of the family reconciliation unit of the Ministry of Justice and Islamic Affairs, which would begin to provide marital counselling services in 2014. In order to highlight the contributions of women in various fields of national development, the Supreme Council for Women organized events to celebrate Bahraini Women's Day on the first of December of each year.

5. The Council supported efforts to strengthen the role played by civil society organizations in the advancement of women. In cooperation with the Arab Women's Organization and the Supreme Judicial Council, the Supreme Council for Women had organized a forum for the examination of legal provisions in member States of the Arab League that were considered to be models on which to base legal principles for the protection of women's rights. As part of its regional cooperation efforts, representatives of the Council had participated in a workshop, along with members of the Chamber of Deputies, the Shura Council and the Arab Parliament, on the preparation of a document on Arab women's rights. Under its political empowerment programme, the Council had begun to prepare for the 2014 legislative elections and had enrolled 25 women in a one-year training programme for potential candidates. A law on political rights was in place that guaranteed women's right to participate in political life, whether as candidates or as voters, on an equal footing with men.

6. In January 2014, the Government had approved the draft text of an amendment to the nationality law that would allow children of Bahraini women with foreign fathers to obtain Bahraini nationality. In October 2013, the Shura Council had approved a preliminary bill on family violence for further consideration. A preliminary bill on civil society

organizations was currently before the legislature. In addition, on 19 January 2014 the Cabinet had agreed to reconsider and possibly lift some of the reservations to the Convention entered by Bahrain in cases where their withdrawal would be compatible with the Islamic sharia, as well as to formulate a preliminary bill to that effect for submission to the legislature.

7. The Government of the Kingdom of Bahrain was proud of its accomplishments in giving effect to the Convention, as well as to the Beijing Declaration and Platform for Action and the Millennium Development Goals. It nevertheless recognized that there would always be room for further improvement and would continue to work to overcome the challenges that remained.

8. **Ms. Haidar** said that, while noting the positive steps taken by the Government of Bahrain in implementing the recommendations of the Bahrain Independent Commission of Inquiry and in establishing the Ombudsman's Office and the Special Investigation Unit, she wondered about the ability of those institutions to fulfil their mandates independently. She would like to know how many alleged perpetrators of human rights violations had been prosecuted and how many victims had obtained redress. She remained concerned at reports that people were not being allowed to exercise the right to freedom of peaceful assembly and association, at the fact that a 2007 bill on violence against women was still pending and at the possibility that a recently adopted anti-terrorism law could lead to further limitations on the freedoms of association and expression in Bahrain. She would appreciate information on the involvement of women in the National Dialogue, which was an important process for achieving reconciliation in the country.

9. **Ms. Gabr** said that she would be interested in hearing a detailed explanation of the nature of the reservations to the Convention lodged by Bahrain, their grounds, the steps involved in their withdrawal and the time frame for the State party's withdrawal of all reservations to the Convention.

10. **Ms. Šimonović** said that she would like additional information on the role of the National Assembly in implementing the Convention and in withdrawing reservations to it. She wished to know whether the bill on associations would affect the financing of NGO projects and whether any restrictions were placed on NGOs that trained women who intended to stand for political office. Did the Government plan to take any measures to strengthen the role of the Bahraini national human rights institution? Lastly, she wondered how members of the delegation would formulate their response to individuals calling for the withdrawal of Bahrain from the Convention.

11. **Ms. Zou** Xiaoqiao said that she would appreciate more detailed information on the structure and human and financial resources of the Supreme Council for Women and, in particular, of its General Secretariat. Following its restructuring, had its role in monitoring the implementation of the Convention and of the Committee's concluding observations been strengthened? She wished to know what activities the Council carried out in conjunction with NGOs and what support it provided to women's organizations. Information would be appreciated on the human and financial resources of the Women's Support Centre of the General Secretariat. Did it have the capacity to meet the needs of the women who turned to it for assistance, and did it provide support to foreign migrant women whose rights had been violated? If it did not, how were such complaints addressed? What role did the Supreme Council for Women play in helping women who had lost their jobs during the 2011 uprisings?

12. Lastly, she would like information about the evaluation of the national action plan for the implementation of the National Strategy for the Advancement of Women. In particular, she wished to know which aspects had been updated and what goals or objectives had been established.

13. **Ms.** Mariam **Al Khalifa** (Bahrain) said that Bahrain had entered a number of reservations to the Convention upon accession in 2002. Its reservation to article 29, paragraph 1, of the Convention concerned the sovereignty of the State, and there had been no discussion concerning its withdrawal. One of the other reservations concerned a provision relating to freedom of movement which conflicted with the provisions of the Constitution on that subject; however, the debate on that reservation had resulted in an acknowledgement that it should be reviewed.

14. A bill currently before the legislative authority was expected to make it easier for children born to Bahraini mothers and non-Bahraini fathers to obtain Bahraini nationality. Legislative proposals had to be examined to determine if they were in compliance with the sharia before being submitted to the legislature, but the Government was considering ways of speeding up that process.

15. **Ms. Al Ansari** (Bahrain) said that the General Secretariat of the Supreme Council for Women had the ranking of a ministry, and its Secretary General had the same status as a minister. The resources of the Council were allocated to it by the State. Twelve years after its inception, the Council had been separated into two branches: one that dealt specifically with the status of women, and another that was in charge of research and statistics on women. The women's political empowerment initiative had evolved from its modest beginnings into a fully fledged programme whose scope had been extended beyond empowerment to include such aspects as raising awareness among voters and candidates about the role of women and encouraging young women to participate in public administration. The Council regularly addressed the needs and concerns of foreign and migrant women, in particular those of foreign women who had married Bahraini citizens and who had borne Bahraini children. They were given access to services on an equal footing with Bahraini women. Although it had its own budget, the Council endeavoured to establish partnerships with the private sector, which had shown interest in its projects.

16. **Ms. Al Zayed** (Bahrain) said that, under the Constitution, international treaties ratified by Bahrain, including the Convention on the Elimination of All Forms of Discrimination against Women, took precedence over national law. When a bill was under consideration, a special parliamentary committee for women's and children's affairs made sure that the bill was in conformity with the Convention. Under article 28 of the Constitution, freedom of association was guaranteed for all individuals, subject to respect for public order and the fundamental freedoms of others.

17. **Ms. Al Jeeb** (Bahrain) said that, as part of the annual programme of development activities in Bahrain, a special fund was set aside for civil society organizations. The fund was managed by a board composed of public- and private-sector representatives. In 2012, as a reflection of the importance attached to partnerships with civil society, such organizations had been authorized to undertake independent fundraising activities.

18. **Ms. Al Zayani** (Bahrain) said that the Government had followed up on 19 of the 26 recommendations made by the Bahrain Independent Commission of Inquiry; follow-up to the other 7 recommendations was still pending. A national committee had been established to monitor implementation of the recommendations. Pursuant to the Commission's recommendations, a mechanism had been put in place to receive complaints of misconduct on the part of the security forces. Legal provisions under which women could be dismissed from public-sector jobs on discriminatory grounds had been repealed, as recommended by the Commission of Inquiry, and training was provided at all levels of government to raise awareness about the laws on freedom of expression.

19. **Mr. Al Asfoor** (Bahrain) said that the Ombudsman's Office was an independent body that operated under the auspices of the Ministry of the Interior. It received complaints,

conducted investigations, carried out visits to places of detention and published annual reports.

20. **Mr. Alsheikh** (Bahrain) said that the law establishing the national human rights institution guaranteed its independence and autonomy and that the institution was fully in line with the Paris Principles. Its president was elected by its members, and a separate budget was earmarked for its activities. The law providing for the institution's establishment had been drafted by the Ministry of Justice.

21. **Ms.** Mariam **Al Khalifa** (Bahrain) said that no society was ever in full agreement on any issue, and that the country's inhabitants enjoyed freedom of speech and were therefore free to criticize the Convention. The Government, however, was committed to fulfilling its Convention obligations.

22. **Ms. Gabr** said that information from the State party appeared to indicate that the legislative framework needed to implement temporary special measures in accordance with article 4 of the Convention was not in place. Many other countries in the region had implemented such measures, and she would like to know what legal steps were being taken to overcome the obstacles to their implementation.

23. **Ms. Šimonović** said that she would like to know whether Bahrain was considering ratifying the Optional Protocol to the Convention. Further information would be appreciated about the content of the bill on family violence and about how women were currently protected from such violence, including marital rape, which was not a criminal offence under Bahraini law. Regarding article 353 of the Criminal Code, which allowed rapists to avoid prosecution by marrying their victims, she questioned whether the victim truly had a free choice in the matter. Would the State party consider amending that provision, along with the article of the Criminal Code that provided for reduced sentences for so-called "honour crimes"?

24. **Ms. Jahan** said that there was evidence that many women and girls were trafficked into Bahrain for purposes of forced labour and sexual exploitation. She wished to know whether the 2008 law on human trafficking was gender-sensitive, whether it was based on the Palermo Protocol, whether a strategy and plan of action for its implementation were in place, and what provisions had been made for the protection and rehabilitation of victims. She would like to know how many shelters were available for victims and whether procedures were in place for victim identification and referral. She wished to know how many trafficking victims had been successful in obtaining alternative employment and what legal options were available to those who wished to stay in Bahrain. How many cases of trafficking had been investigated and what sentences had been handed down in those cases? She wished to know what special measures were being taken to prevent the trafficking of vulnerable women and girls and how government authorities monitored the activities of employment agencies. Lastly, according to information before the Committee, "free visas" and "artist visas" were often misused. She therefore wished to know what measures were taken to ensure that women and girls who entered the country on such visas were not forced into prostitution.

25. **Ms. Al Zayed** (Bahrain) said that article 353 of the Criminal Code had been invoked only once in the past four years, and the Family Act explicitly stated that marriage could be entered into only with the consent of both parties. Bahraini law did not use the term "marital rape", but it did punish all acts of sexual violence committed by a man against his wife. The bill on family violence currently under consideration provided for rehabilitation and legal aid for victims and established harsher punishments for violence committed by a parent against a child.

26. **Mr. Abdulla** (Bahrain) said that the measures taken to combat human trafficking were in line with international standards. Trafficking was an offence under various laws,

and legislation had also been enacted to punish employers for withholding wages. Bahrain had ratified various international instruments on trafficking and had drawn up a national anti-trafficking plan in partnership with civil society organizations based on the core principles of prevention, protection and prosecution.

27. **Ms. Al Jeeb** (Bahrain) said that a government-funded centre had been established to care for victims of violence and trafficking. The centre provided social, psychological, medical and legal assistance as well as physical protection. A committee that dealt with assistance for victims of trafficking worked to rehabilitate victims and to overcome the obstacles that prevented them from seeking alternative employment. It also helped them to obtain legal documentation that would allow them to remain in Bahrain.

28. **Mr. Buallay** (Bahrain) said that the assistance provided to trafficking victims also included a comprehensive witness protection programme and translation services, and the number of labour inspectors had been increased. Human trafficking carried a penalty of from 5 to 7 years' imprisonment. Attempts to return victims to their countries of origin were often hindered by a lack of legal cooperation on the part of those countries.

29. **Ms. Shehab** (Bahrain) said that the Ministry of Labour processed complaints from foreign workers about employment agencies and conducted inspections of such agencies. Those found to have violated the law were prosecuted.

30. **Mr. Humood** (Bahrain) said that police officers were trained in the prevention of human trafficking, and campaigns were conducted to raise awareness of the issue. Prostitution was a criminal offence.

31. **Ms.** Mariam **Al Khalifa** (Bahrain), responding to the question about ratification of the Optional Protocol, said that all States enjoyed full sovereignty when deciding whether to become a party to an international instrument. Bahrain had taken a number of temporary special measures to accelerate the achievement of de facto equality between men and women and was working on legislation that would allow Bahraini women to transmit their nationality to their children.

32. **Ms. Haidar** said that the Committee would like to see more women involved in the National Dialogue that had been initiated in response to the unrest of 2011. She would like further information on the implementation of the seven pending recommendations of the Bahrain Independent Commission of Inquiry, particularly with regard to the status of human rights defenders, a large number of whom had remained in jail ever since the unrest.

33. **Ms. Zou** Xiaoqiao said that she wished to know which government agency processed complaints from foreign migrant workers and whether those workers received any legal assistance. She asked what role the Supreme Council for Women played in following up on cases of sexual violence committed during the events of 2011 and cases in which women had lost their jobs during those events.

34. **Ms. Šimonović** said that she welcomed the fact that the Convention had been incorporated into national law. Nevertheless, she noted that the reservations Bahrain had entered to articles 2 and 16 of the Convention ran contrary to its purposes, and she would therefore like to know when the State party planned to withdraw those reservations. How was violence defined in the bill on family violence?

35. **Ms. Gabr** asked whether the bill on private-sector organizations, if adopted, would loosen the restrictions on funding for those organizations. She wondered how the Ombudsman's Office could be independent when it was located on the premises of the Ministry of the Interior.

36. **Ms. Jahan** said that she would like to have additional statistics on the number of investigations carried out into cases of human trafficking and on the sentences handed

down. Since there was potential for "artist visas" to be exploited as a way of forcing women into prostitution, how was that situation monitored? What steps was the Government taking to reform the sponsorship system, which gave employers an inordinate amount of power over foreign workers?

37. **Ms. Al Zayed** (Bahrain) said that the National Dialogue that had begun in 2011 was still ongoing. A number of women had participated in the Dialogue as representatives of parliament, civil society organizations, political associations and other groups, and they had been influential in helping to shape a new vision for the country.

38. **Ms. Al Zayani** (Bahrain) said that the seven pending recommendations of the Bahrain Independent Commission of Inquiry were related to long-term measures, such as the amendment of laws on the media, the inclusion of human rights as a subject in school curricula and the reconstruction of places of worship. There was no evidence that the Government had arrested female political activists during the events of 2011. Her delegation could provide statistics on the arrests made at that time, if the Committee desired. The persons who had been arrested had been brought before the courts and had the right to a fair trial.

39. **Ms. Al Ansari** (Bahrain) said that the Women's Support Centre provided a number of services, including legal services, to Bahraini women and to foreign women who were married to Bahraini men and had custody of Bahraini children. Complaints from migrant workers, on the other hand, were processed by special support centres intended specifically for those workers.

40. **Ms. Al Zayed** (Bahrain) said that Bahrain, in accordance with its obligations under international agreements aimed at fighting corruption, terrorism and money-laundering, required private-sector organizations to report any funds that they received to the corresponding ministry. The purpose of that requirement was to ensure the legitimacy of those funds.

41. **Ms. Shehab** (Bahrain) said that migrant workers were granted the same labour rights as Bahraini nationals under the new labour law, which had been translated into English and was accessible to foreign workers. The Ministry of Labour was responsible for monitoring the implementation of labour standards and ensuring that workers' rights were respected. Public awareness-raising campaigns had been conducted to promote labour rights, and public offices had been set up to receive complaints and investigate possible violations of workers' rights.

42. **Ms. Alawadhi** (Bahrain) said that the large number of international treaties to which Bahrain was party were a constituent part of the national legal framework. In the event of a conflict between national legislation and one of those international treaties, international law would prevail. Every effort was made to domesticate treaty law in order to forestall such conflicts, however.

43. **Mr. Al Asfoor** (Bahrain) said that the Ombudsman's Office was a fully independent body which had been established in response to recommendations made by the Bahrain Independent Commission of Inquiry. The Office worked to ensure accountability and to provide training. Complaints filed with the Office were transmitted to the courts.

44. **Mr. Abdulla** (Bahrain), responding to questions about "artist" visas, said that there was no such category of visa for entry into Bahrain. Efforts were being made to ensure that the tourist visa system was not abused, and anyone found to be doing so or offering "artist" visas would be prosecuted.

45. **Mr. Buallay** (Bahrain) said that, according to data collected in 2013, 25 inquiries had been initiated into allegations of trafficking in persons, sexual exploitation and abuse of labour contracts.

46. **Ms. Al Zayed** (Bahrain) said that the draft domestic violence law, which was currently before parliament, contained not only a definition of domestic violence but also a broadened definition of the family which included all relatives living in the same household and all persons dependent on the head of household. Different categories of violence, including corporal punishment and psychological violence, were also defined in the draft. It also contained provisions stipulating the recourse to be made available in the event of a violation. Efforts had been made to ensure that the new law was in line with international standards.

47. **Ms. Al Jishi** (Bahrain) said that corruption was being tackled through the rigorous regulation of financial transactions and fundraising, in line with the international legislation to which Bahrain was party. Legal provisions stipulating that no NGO could receive funding from international organizations or from foreign or anonymous donors were in place in order to prevent money laundering. Receipt of funds from foreign donors was punishable by deprivation of liberty and confiscation of those funds, which would be placed in the public treasury.

48. **Ms. Shehab** (Bahrain) said that, under Decree No. 79 of 2009, which set forth the regulations governing employment, foreign workers were free to change employers.

49. **Ms. Al Ansari** (Bahrain) said that the Supreme Council for Women played a key role in supporting the work of the Bahrain Independent Commission of Inquiry. Efforts were being made to ensure that the views of civil society were taken into account when new legislation was being drafted. To date, the Supreme Council for Women had not received any complaints of sexual abuse or rape in connection with the events of 2011.

50. **Ms. Al Zayani** (Bahrain) said that there had been no dismissals of women from employment in the civil service in connection with the unrest of 2011 either.

51. **Ms. Zou** Xiaoqiao said that, while she welcomed the State party's efforts to increase women's participation in political and public life, women remained underrepresented in the public sector in Bahrain. She wished to know whether any studies had been conducted to identify the root causes of the low level of participation. Studies of that sort would provide a basis for change, including changes in traditional thinking, which would be necessary if real progress was to be made. Did the State party intend to set quotas for women's political participation or to consider applying other temporary special measures, as provided for under article 4 of the Convention? She hoped that modifications to the draft law on civil society organizations would provide for extra services and support for participation by more women's associations in politics.

52. **Ms. Schulz** said that the Committee was deeply concerned by the State party's reservation to article 9 of the Convention. In its previous concluding observations (CEDAW/C/BHR/CO/2), the Committee had expressed concern about the fact that the draft law on nationality had not yet been adopted. Unfortunately, neither the information provided in the State party's replies to the Committee's list of issues (CEDAW/C/BHR/Q/3/Add.1) nor the additional comments made during the current meeting indicated that Bahraini women married to foreigners would be treated equally to Bahraini men married to foreigners. She wished to know whether the new law would grant Bahraini citizenship to children with a Bahraini mother and a non-Bahraini father, or whether it would simply codify the current procedure for applying for citizenship. If the latter were the case, she wished to know what criteria would be used to determine whether an application would be accepted or rejected. She would like to know when the new law would be adopted and implemented.

53. **Ms. Al Jishi** (Bahrain) said that, by law, there were two categories of civil society organizations: voluntary organizations, including voluntary women's associations, and political associations. The former did not have the right to participate in politics, but every

individual had the right to take part in political life. Temporary special measures had been adopted in 2006 to support women who wished to stand for election to parliament.

54. **Mr. Humood** (Bahrain) said that the Ministry of the Interior had taken a range of measures to find lasting solutions for statelessness and to ensure that stateless persons enjoyed full rights. Plans for granting Bahraini citizenship to stateless persons were under consideration.

55. **Ms. Alawadhi** (Bahrain) said that the draft law on naturalization was being considered by the Cabinet. Bahraini women married to foreigners who were citizens of States members of the Cooperation Council for the Arab States of the Gulf (GCC) could transmit their Bahraini nationality to their children, provided they were resident in Bahrain.

56. **Ms.** Mariam **Al Khalifa** (Bahrain) said that the Islamic sharia did not make distinctions based on nationality or include provisions on naturalization. It was hoped that the new legislation on naturalization would be enacted in the near future.

57. **Ms. Schulz** said that she wished to know how the new legislation would guarantee that the rights of Bahraini women married to foreigners were equal to those of Bahraini men married to foreigners. If equal rights were not guaranteed, the State party would be unable to withdraw its reservation to article 9.

58. **Ms. Šimonović** said that she wished to reiterate her question regarding the State party's intention to withdraw its reservations to articles 2 and 16 of the Convention. Was marital rape included in the definitions of violence contained in the draft domestic violence law? She also wished to know whether any cases of marital rape had been tried under the provisions of the Criminal Code and whether a perpetrator of rape could be exonerated if he married his victim.

59. **Ms. Al Zayed** (Bahrain) said that marital rape was not defined as such in the law. In the event of a violation of a woman's physical integrity, she could file a case under article 353 of the Criminal Code. If the victim of a rape stated before the court that she was willing to marry the perpetrator, then he would not be prosecuted.

60. **Ms.** Mariam **Al Khalifa** (Bahrain) said that a foreign woman married to a Bahraini could apply for Bahraini citizenship after having been married for five years provided that she was residing in Bahrain. The withdrawal of reservations to provisions of the Convention was in the hands of the legislative branch of government.

61. **Ms. Isa** (Bahrain) said that the draft law on nationality contained provisions that would establish a balance between the rights of men and women and between their rights and those of their children. Residency would be a requirement for the granting of Bahraini nationality in order to ensure that there was an emotional link between the child and the country of which he or she would be a citizen.

62. **Ms. Gbedemah** said that she wished to know what measures were being taken to ensure that the same curriculum was used for boys and girls. The State party was to be commended for its efforts to follow up on the Committee's recommendation to encourage girls to enter non-traditional occupations. Had any statistics been gathered in that regard? She wished to know how many girls were now pursuing vocational and non-traditional courses in comparison with previous years and as a proportion of the total student body. She also wished to know what measures were being taken to reduce gender stereotyping in textbooks and educational materials.

63. **Ms. Patten** said that she would appreciate information on the measures being taken to follow up on the recommendation of the Bahrain Independent Commission of Inquiry concerning the reinstatement of public-sector employees following the large-scale dismissals that had taken place in 2011. She was concerned about shortcomings in the

enforcement of legal provisions designed to protect the rights of domestic workers and would be interested to hear the delegation's views on the proposed Gulf domestic workers contract. She was also concerned that new legislation on employment in the private sector might bar women from some types of jobs. What was being done to ensure that protective measures for women in employment were confined to those relating to maternity and were not a means of promoting stereotypical views of women's role in society? Legal provisions on sexual harassment in the workplace were insufficient, and she would like to know whether a review of those provisions would be undertaken. She also wished to know whether steps would be taken to enhance women's participation in the labour market and prevent discrimination in recruitment processes and in the workplace, particularly in the private sector.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1188th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 12 February 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third periodic report of Bahrain (continued)

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Please recycle

In the absence of Ms. Ameline, Ms. Neubauer (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third periodic report of Bahrain (continued) (CEDAW/C/BHR/3; CEDAW/C/BHR/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bahrain took places at the Committee table.*

2. **Ms. Nwankwo** welcomed the fact that a husband's consent was no longer required for caesarean sections. She asked what health services were provided to female domestic migrant workers and whether contraceptives were available and affordable to all women, including such workers. She also asked whether abortion was criminalized and, if so, whether there were grounds on which it was permitted.

3. **Ms. Pomeranzi** noted with concern that there was a greater share of women in the public sector than the private sector and there were very few women entrepreneurs. No data had been provided to demonstrate the results of measures to promote economic opportunities for women. She therefore requested information on the activities and results of programmes launched in cooperation with the Ebdaa Bank and the Family Bank, which would illustrate the extent of de facto economic equality between men and women. The data on social security in the report referred to "families" rather than "women" and was not disaggregated by gender, which made it difficult to assess the precise level of social protection for women. Lastly, there were reports that despite the establishment of the Alimony Fund women continued to face considerable arrears.

4. **Ms. Al Zayani** (Bahrain) said that of the female employees dismissed from the public sector following the incidents in 2011, 92 per cent had been reinstated by royal decree on 1 January 2012 at their previous salary level.

5. **Ms. Shehab** (Bahrain) said that labour legislation covered domestic workers and made no distinction between nationals and non-nationals. The Ministry of Labour and the Labour Market Regulatory Authority were responsible for labour inspection and dispute settlement and, in cases that could not be resolved through mediation, the matter was referred to the courts.

6. **Mr. Abdulla** (Bahrain) said that domestic and migrant workers fully enjoyed their rights under the law and efforts had been made to amend legislation to strengthen the protection of those rights.

7. **Ms. Al Bunodha** (Bahrain) said that vocational and technical training was equally available to male and female students. Girls were free to pursue vocational tracks in areas such as electrical engineering that were once the exclusive province of boys. Primary education included a technical stream to raise girls' awareness of the opportunity of pursuing technical training at the post-secondary educational level. Statistics regarding the numbers of boys and girls following vocational training at the secondary level could be found on the website of the Ministry of Education.

8. **Ms. Shehab** (Bahrain) said that the Private Sector Labour Law guaranteed protection to women without discrimination and that Bahrain had acceded to a number of international instruments on employment protection. The Law prohibited women from working in certain fields of work deemed hazardous to their health.

9. **Ms. Isa** (Bahrain) said that all forms of harassment, including sexual harassment, were covered by the Criminal Code. The Private Sector Labour Law provided for the

suspension of a worker suspected of misconduct pending a decision of the public prosecutor's office. Legislation governing public sector employment also protected women from sexual harassment and intimidation.

10. **Ms. Al Ansari** (Bahrain) said that strategies to encourage women's participation in the labour market had been implemented and were yielding results: in 2012 women made up almost 40 per cent of the workforce. Incentives were offered to companies to ensure equal opportunities, provide lifelong learning and career development and maintain women in work by promoting a work/life balance. There were also programmes to help unemployed persons to re-enter the labour market, ensure decent wages in the private sector and facilitate female entrepreneurship, which accounted for 29 per cent of all entrepreneurship.

11. **Ms. Al Bunodha** (Bahrain) said that the Ministry of Education periodically reviewed the school curricula to eliminate gender stereotypes and discrimination against female students. In addition, citizenship education was provided to pupils in primary school, initiatives were carried out to raise awareness among families of stereotypes and diverse institutions contributed to the preparation of school textbooks. Vocational technical education and other tracks at the university level were open to men and women on equal terms.

12. **Ms. Al Jalahma** (Bahrain) said that under current regulations authorization from a woman's husband was not required for caesarean sections, regardless of the woman's nationality. Family planning services were freely available to all women in primary health-care facilities. Non-Bahraini women were required to pay a fee for medical consultations. Abortion medication was unlawful unless taken under medical supervision to save the life of the woman. Abortions required authorization by a panel of licensed physicians.

13. **Ms. Al Zayed** (Bahrain) said that the Criminal Code provided for protection against abortions performed on the woman against her will. The penalties for the offence were increased in the event of death of the foetus.

14. **Ms. Isa** (Bahrain) said that the Alimony Fund had been established to safeguard women whose payment of maintenance was determined by a court to be in arrears. There were also provisions for the payment of arrears before a court decision was taken in emergencies, which was decided on a case-by-case basis. Those arrears were recovered by the Fund from the former husband if a decision in favour of the woman was subsequently made.

15. **Ms. Haidar** said that there was a pressing need for a codified family law given that the laws applicable to family matters were not uniform for the Sunni and Shiite communities. What steps were being taken to address the lack of such legislation? Were there immediate and concrete measures in place to improve access to justice for Shiite women?

16. **Ms. Schulz** asked whether Bahrain planned to make the minimum age for marriage for girls 18 years for both men and women and abolish and reduce early marriage. She said that while many Bahraini women were employed and provided for their families, their enhanced social and economic status was still not translated into equal rights and responsibilities between spouses under the law, which required a wife to care for her husband and live in the place of residence of his choosing. She asked whether reforms introducing equal rights and responsibilities in marriage were planned and whether the Government envisioned abolishing or limiting polygamy. Divorce affected women and men differently, both in terms of the conditions for obtaining one and its consequences. Men could unilaterally divorce their wives without the intervention of a court, while women were sometimes not informed about court decisions and received limited alimony.

Women's child custody rights following a divorce were limited and were forfeited if they remarried.

17. She asked whether the State party intended to abolish the practice of granting women half the amount of inheritance awarded to any male siblings and reduce discrimination against women and girls under the inheritance law. Lastly, she requested a timetable for any changes planned concerning the issues that she had raised.

18. **Ms. Al Jishi** (Bahrain) said that a draft family law for the Shiite community was currently before the Chamber of Deputies. The Supreme Council for Women was making significant efforts to raise awareness of the bill among women and encourage them to call for its adoption. The lack of a family law for the Shiite community was discriminatory and contrary to the country's desire to eliminate discrimination against women.

19. **Ms.** Mariam **Al Khalifa** (Bahrain) said that Bahrain maintained its reservation to article 16 of the Convention in order to avoid contradictions; if the reservation were withdrawn, the country would face pressure to adopt a new family law that did not comply with sharia law which it could not do. While Bahrain was working to ensure equal rights for men and women in society, under the sharia, their rights and responsibilities within a marriage were not equal, but complementary.

20. Women were economically empowered and no longer relied on dowries and alimony. Moreover, women in financial difficulty could turn to various institutions for help. Polygamy was uncommon in Bahrain; statistics showed that the overwhelming majority of men had one wife. Nevertheless, it was not possible to prohibit polygamy by law because the practice was expressly authorized under the sharia.

21. Although legislation provided that only men could request a divorce, in practice both spouses were involved in the decision. Legislation surrounding custody was guided by the Sunni doctrine, which granted custody to the mother. If the mother remarried, custody was granted to either the maternal or paternal grandmother.

22. Inheritance legislation complied with sharia law and men and women's rights differed only with respect to male siblings; brothers received twice the inheritance granted to their sisters because only men were liable for alimony payments.

23. **Ms. Al Zayed** (Bahrain) said that it fell to the courts to decide whether a wife had been disobedient, for example if she had violated her marriage contract, and the ruling could be appealed. The education of children was the joint responsibility of the spouses and women were able to choose their residence if such a right had been stipulated in the marriage contract.

24. **Ms. Haidar** asked what the Government's role was in developing the family law for the Shiite community. She said that she had not suggested that the State party should withdraw its reservation to article 16; rather that sharia could be interpreted in such a way that progress could be made regarding family law. Bahrain had been, and continued to be, a pioneering Islamic country in terms of gender equality.

25. **Ms. Jahan** said that although religion was often used to justify reluctance to change, some Islamic countries, such as Bangladesh, had been able to uphold sharia law while making incremental reforms concerning gender equality. She encouraged the State party to reconsider its reservation to article 16 in light of the situation in other Islamic countries. Muslim women were often seen to reject progress, an accusation that was unjustified given the rights and respect afforded to women by Islam. She asked what measures Bahrain had adopted to eradicate polygamy, in line with the general recommendation No. 21 on equality in marriage and family relations and the concluding observations of the Committee following consideration of the State party's previous report.

26. **Ms. Schulz** said that in some Muslim countries the law had been amended in order to promote greater equality of rights and duties between spouses. The fact that the frequency of marriages involving girls under the age of 16 was declining and that divorce proceedings were increasingly attended by both spouses was indicative of the pace of change in Bahraini society. Such change could, perhaps, be codified in law.

27. **Ms. Patten** said that 328 women had reportedly been detained in the State party since 2011. In January 2013, five women, one of them 17 years of age, had been sentenced to six months in prison on charges of unlawful assembly. Six women, including the daughter of a human rights defender, were currently serving prison terms in the State party. The General Federation of Bahrain Trade Unions had provided the names of 57 women who, in spite of recommendations by the Bahrain Independent Commission of Inquiry, had not been reinstated to their public and private sector jobs after dismissal in the wake of the events of February and March 2011. They included leaders of the Bahrain Nursing Association and Bahrain Teachers Association. She would appreciate information regarding those cases. Welcoming legislation on domestic workers, she reiterated her question regarding the extent to which the law was being implemented.

28. **Ms. Nwankwo** asked whether abortion was available to the victims of incest and rape.

29. **Ms.** Mariam **Al Khalifa** (Bahrain) said that the Government was working with civil society on family legislation that covered all confessional groups, which would contribute to social stability. A bill was before the parliament and the Supreme Council for Women was striving to raise awareness of its potential benefits.

30. **Mr. Humood** (Bahrain) said that no women human rights defenders were serving prison terms in Bahrain. The daughter of the human rights activist referred to by Ms. Patten had been arrested and convicted for insulting law officers and blocking traffic. Currently, 110 women were serving prison sentences in the State party for theft, drug-taking and other offences, and 74 women were in pretrial detention on similar charges.

31. **Ms. Al Zayani** (Bahrain) reiterated that most public servants dismissed from their posts had been reinstated in 2012. She could provide the Committee with statistics illustrating the current situation.

32. **Mr.** Abdulla **Abdulla** (Bahrain) said that 18 articles of current labour law referred to domestic workers. Nevertheless, the Government intended to pass further legislation in order to bolster their rights. There was no discrimination in Bahrain against foreign employees: national and non-national workers had the same labour rights and obligations.

33. **Ms. Al Zayed** (Bahrain) said that the right of rape victims to abortions was protected under articles 321 and 322 of the Criminal Code. It was considered an aggravating circumstance in rape cases when the rapist was a member of the victim's family and when the victim lost her virginity as a result of the crime. Incest was not specified as a ground for abortion under the law.

34. **Ms.** Mariam **Al Khalifa** (Bahrain) said that, under article 128 of Act No. 19 of 2009, on the family, the mother retained custody of her sons until they reached the age of 15, at which point they could elect to live with either parent. The mother retained custody of her daughters until they married. The Supreme Council for Women rejected the practice of polygamy, which was not encouraged by any institutions in the country. It was hoped that religious scholars would provide jurisprudence making it possible to amend the law in that regard.

35. **Ms. Šimonović**, noting that a planned visit to the State party by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had been postponed, asked what was currently being done to organize such a visit.

36. **Ms. Schulz** said that inheritance legislation should be amended to reflect the fact that many women in Bahrain were professionally active. She asked whether the delegation could provide statistics on compliance by men with their obligation to pay alimony.

37. **Mr.** Abdulla **Abdulla** (Bahrain) said that discussions with the Special Rapporteur on torture were continuing. A team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) would be visiting Bahrain shortly, demonstrating the desire of the State party to cooperate with OHCHR and avail itself of its capacity-building support and technical assistance.

38. **Ms. Al Zayed** (Bahrain) said that freedom of association was guaranteed under the Constitution and relevant legislation. It was illegal to terminate a person's employment because of trade union membership. The Government encouraged and promoted the establishment of trade unions.

39. **Ms. Abul** (Bahrain) said that the Supreme Judicial Council oversaw the enforcement of court rulings regarding alimony and custody. Payments were made through the Alimony Fund, which had been established for that purpose. The Fund operated under the aegis of the Supreme Judicial Council and was also authorized to pay recipients in cases where the former husband was unable to honour or failed to meet his obligations.

40. **Ms. Isa** (Bahrain) said that sentences regarding alimony were usually handed down by sharia or commercial courts and then applied by enforcement courts.

41. **Ms.** Mariam **Al Khalifa** (Bahrain) said that the State party viewed favourably several recommendations made by the Committee, such as granting Bahraini women the right to pass on their nationality to their children, regardless of the father's nationality, and withdrawing certain reservations to the Convention. The Supreme Council of Women was determined to implement the National Strategy for the Advancement of Bahraini Women and to have women's needs mainstreamed into public policy.

The discussion covered in the summary record ended at 4.50 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1189th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 February 2014, at 10 a.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined fourth and fifth periodic reports of Cameroon

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In the absence of Ms. Ameline, Ms. Jahan, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (continued)

Combined fourth and fifth periodic reports of Cameroon (CEDAW/C/CMR/4-5, CEDAW/C/CMR/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cameroon took places at the Committee table.*

2. **Ms. Abena Ondoa** (Cameroon) said that, having ratified the Convention without reservation, Cameroon was focusing on implementing its provisions and had noted the areas of concern highlighted by the pre-session working group of the Committee on the Elimination of Discrimination against Women. The State party's report (CEDAW/C/CMR/4-5) outlined developments in the implementation of the Convention and included details on legal, judicial, administrative and institutional reforms undertaken to enable it to fully meet its obligations under the Convention.

3. Notable advances had been made in respect of the justice system, women's representation, education, health and employment. Legislative and other measures had been adopted to provide women with greater access to justice and legal aid, to combat harmful traditional practices such as female genital mutilation, to increase women's participation in political and public life, to approach the goal of achieving gender parity in school enrolment, to boost female primary education completion rates in rural areas and to encourage more girls to go on to higher education. Efforts had also been directed towards cutting the female poverty rate, providing free or subsidized health services and launching a number of health-care and disease-prevention programmes, projects and awareness-raising campaigns, with particular emphasis being placed on combating HIV/AIDS and lowering maternal mortality rates. A national strategy to combat violence against women was being implemented. In addition, wage equality for men and women had been achieved, and the economic situation of rural women had been improved through the development of agricultural programmes in partnership with international donors.

4. Cameroon had recently adopted a national gender policy that took a multisectoral approach to the promotion of gender equality, and a plan of action for its implementation was in place. The country continued to face many challenges and constraints, including sociocultural obstacles and a lack of resources, but it was committed to fully implementing the Convention and wished to call on the international community to support it in its endeavours.

5. **The Chairperson** said that she welcomed the recent adoption of a national gender policy, noting that effective coordination would be crucial for its successful implementation.

6. **Ms. Schulz** asked why, despite the State party's ratification of the Convention and its repeated assurances to the Committee, the Human Rights Council, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, Cameroon had yet to amend the discriminatory provisions contained in the Civil Code, the Criminal Code and the Civil and Commercial Code of Procedure. She would like to know whether a timetable had been set for the adoption of the draft Code of the Person and the Family, as well as various other laws that had been under preparation for some time, in order to ensure that effective anti-discrimination legislation would be in place. She asked whether traditional courts were subject to oversight and how the Government made sure

that decisions handed down by those courts were not discriminatory. She shared the concerns expressed by other treaty bodies and the Human Rights Council regarding the situation of homosexual women, who were criminalized and exposed to multiple forms of discrimination, firstly as women and secondly as homosexuals. Were there plans to amend the Criminal Code to decriminalize sexual relations between women? It was her understanding that engaging in such relations was an offence that was currently punishable by up to 5 years' imprisonment and a fine. What steps would be taken to combat discrimination against homosexual women?

7. **Ms. Pimentel** said that she had taken note of the State party's acknowledgement that, despite the passage of a law on legal aid in 2009, the number of women requesting legal aid had actually fallen. What action was being taken to facilitate and increase women's access to justice? She wished to know what measures had been adopted to ensure that women received equal treatment in mediation and dispute settlements, particularly in domestic disputes. Could decisions handed down under customary law be appealed in a State court?

8. **Ms. Pomeranzi**, referring to the plans outlined by Cameroon in its replies to the list of issues (CEDAW/C/CMR/Q/Add.1) for implementing its national strategy for the advancement of women, said that she would like to know what percentage of the national budget had been allocated for that purpose and what was meant by the reference to a "gradual approach" to the development of sectoral plans. What would the strategy's prime objective be and how closely did the Government plan to work with civil society in carrying out an analysis of gender issues? In her view, the work of the Technical Committee in coordinating the gender policy's strategic objectives should focus primarily on rural women. She would like to know whether there were plans to work with the Ministry of Agriculture and Rural Development to seek synergies in addressing the main obstacles to gender equality and women's empowerment. Had an agreement been signed with commercial banks to facilitate access to microcredits for poor women?

9. **Ms. Abena Ondoa** (Cameroon) said that homosexuality was a sensitive issue in Cameroon and was generally not accepted. However, people were not persecuted because of their sexual orientation. The common consensus was to move forward on the issue gradually. She wished to appeal to the Committee to respect the Cameroonian people's religions and traditions and to allow matters to evolve over time. Homosexuality would surely come to be accepted eventually.

10. **Ms. Adebaba** (Cameroon) said that the delay in introducing the amendments needed in order to implement some of the provisions of the Convention was attributable to the lengthy technical process involved in drafting those texts and the various stages involved in securing their passage at the national level. The drafting of the amendments to the Criminal Code had been completed, and those texts were awaiting approval at the national level before being submitted to the National Assembly. The Convention was directly applicable in the courts, and there were a number of cases in which it had been invoked. It was impossible to be precise about the timetable for the adoption of the Code of the Person and the Family, but the technical drafting stage was close to completion.

11. The country's traditional courts heard cases only if all the parties concerned agreed to bring the matter before such a court. Furthermore, customary law was invalidated if found to be contrary to any existing legislation, including the Convention and any other international treaties to which Cameroon was party. In any event, traditional courts presided over by magistrates had largely ceased to apply customary law, and judgements handed down by traditional courts presided over by non-magistrates were automatically referred to the Court of Appeal for review. On the question of legal aid, she would like the Committee to know that civil society and other stakeholders, in partnership with the Government, were

encouraging women to seek access to justice and to obtain legal aid, which was provided through the courts.

12. As for the question of discrimination against homosexual women, a distinction must be made between the actual offence of same-sex sexual activity, for which there had to be evidence, and discrimination in access to basic social services. There was no discrimination in Cameroon on grounds of sexual orientation with respect to access to employment, health care or education.

13. **Ms. Abena Ondoa** (Cameroon) said that the Ministry for Women's Empowerment and the Family worked closely with other ministries, in particular the Ministry of Agriculture and Rural Development, the Ministry of Trade and the Ministry for Small and Medium-Sized Enterprises, to develop programmes that would improve rural women's economic situation. With respect to the question that had been asked about budget allocations for implementation of the gender equality strategy and the reason for taking a gradual approach, one of the problems was that resources were very limited and she would therefore like to appeal to Cameroon's partners and other stakeholders to lend their support.

14. **Ms. Schulz** said that it was regrettable that there was no specific timetable for the adoption of the Code of the Person and the Family. Were civil society organizations in a position to offer support? How involved were they in the process of developing and securing passage of amendments to existing legislation? Given the fact that international treaties prevailed over national legislation, how did the courts go about invalidating traditional court decisions found to be at odds with those treaties? She would like to know how that worked in practice, as discrimination against women was clearly still prevalent. How could rural women, who were generally poorly educated, make a reasoned choice between a local customary law court and a State court, which might not be located nearby? The situation was exacerbated by the difficulties that women had in obtaining legal aid. The statistics indicated that allocations for legal aid services for rural women were shockingly low. Lastly, since homosexuality was a criminal offence, it was hard to believe that homosexuals were not discriminated against.

15. **Ms. Pimentel** asked whether the State party had considered conducting a scientific study on traditional court decisions and on the effectiveness of oversight in that respect. The results of such a study might be helpful in identifying any problems that might exist in that connection.

16. **Ms. Pomeranzi** asked whether the national strategy for the advancement of women was a priority for the Government as a whole or just for the Ministry for Women's Empowerment and the Family.

17. **Ms. Abena Ondoa** (Cameroon) said that the Ministry for Women's Empowerment and the Family was one of the country's youngest ministries, and its budget was as yet insufficient to enable it to meet all of its objectives. For that reason, she was appealing to the international community for assistance. Custom and tradition were still very strong in Cameroon, and women were sometimes afraid to assert their rights for fear of the reaction of traditional rulers in their community.

18. **Ms. Adebaba Esseneme** (Cameroon) said that civil society organizations played a role in the initial stages of the legislative process, which sometimes led to lengthy discussions that might concern a single provision and that could potentially last for years. Once those preliminary stages had been concluded, however, such organizations were not able to influence the time frame for the adoption of a bill by the National Assembly.

19. The majority of Cameroonian customs were disadvantageous to women because they were anchored in a traditional, patriarchal society. Thus, it was often owing to ignorance or fear that a woman — particularly an uneducated woman from a rural

community — might fail to assert her right to advise a court that she did not wish to be tried under customary law. However, customary court judgements were subject to ratification by the Court of Appeal. The Cameroonian legal system provided that customary law could be applied only in areas not covered by existing legislation. Moreover, customs that were contrary to morality or public order could not be invoked in traditional courts. In principle, she saw no reason why the Government could not undertake a comparative study of the two systems of law.

20. Since sexual relations with a person of the same sex constituted a punishable offence, it was not an act of discrimination to enforce the law prohibiting such relations. On the other hand, denying a homosexual treatment at a hospital, for example, would constitute a discriminatory act.

21. **Mr. Abessolo Asseko** (Cameroon) said that the Ministry for the Empowerment of Women and the Family had established gender committees and gender focal points in all public and semi-public administrations throughout the country. They were responsible for disseminating public information on policies and legislation for the promotion and protection of the rights of women and girls. The information was conveyed in simple terms and in the local language so as to ensure that it would be understood by the members of the community in question, including those with a low level of education.

22. The strategy for the advancement of women, which was set out in the national gender policy, concerned not only the Ministry for the Empowerment of Women but all government ministries, which were required to pursue its strategic objectives through the implementation of a multisectoral action plan.

23. **Ms. Pimentel** asked whether the 30 per cent electoral quota for women, which had been established as a temporary measure under the strategic gender and elections plan, was binding and whether it might remain in effect on a permanent basis. Had the Government introduced temporary special measures to advance women's rights in other areas in order to address the many challenges posed by the patriarchal society of Cameroon?

24. **Ms. Bareiro-Bobadilla** said that she was concerned about the reported lack of effective sanctions to punish persons engaging in harmful traditional practices, such as breast ironing, which was said to be perpetrated upon some 40 per cent of girls and women in Cameroon. What was the State party doing to put an end to that practice and what consequences did it have for the women or girls who were subjected to it? States parties to the Convention should not seek to justify discriminatory acts on the grounds that they constituted traditional cultural practices; rather, they were under an obligation to do away with such practices.

25. **Ms. Nwankwo** said that she wished to enumerate a number of concerns and to be provided with detailed information on what steps the State party was taking to address them. She had received reports that violence against women in Cameroon, including rape and domestic violence, was very prevalent but that very few of such cases were investigated or prosecuted, and the perpetrators therefore went unpunished. In her view, the judicial system's use of mediation to resolve disputes involving domestic violence was problematic because that approach was based on the assumption that both parties were equal. However, abusers held tremendous power over their victims, and the resulting imbalance could not be remedied, even by a trained mediator. It was disquieting that there were no legal provisions that specifically criminalized domestic violence as such and that the substance of the bill on violence against women had been absorbed into the revised draft of the Criminal Code. To her mind, violence against women could not be adequately addressed under the assault provisions of the Code.

26. The legal provisions that exempted a rapist from prosecution and punishment if he subsequently married his victim had the effect of revictimizing her, since the victim was

then forced to live with her rapist. Moreover, under the Criminal Code, the crime of marital rape was prosecuted as an intentional-injury offence, which did not take into account the psychological trauma suffered by the victim.

27. The introduction of a ban on indecent forms of dress had reportedly resulted in the arrest and detention of a number of girls. Such a policy exposed girls to the danger of being sexually assaulted by police officers or being obligated to trade sex for their release from detention. The delegation should provide the Committee with an idea of the time frame for the adoption of the draft Code of the Person and the Family; the delay in its passage was a cause for serious concern.

28. **Ms. Gabr** asked what measures were being taken to prevent the kidnapping of newborns from hospitals and of children from orphanages, to prevent the trafficking of Cameroonians for the purposes of forced labour outside the country and to prevent the exploitation of young people for the purposes of forced domestic labour within the country. Statistics should be compiled on the number of persons subject to those forms of exploitation, as well as on the number of homeless children, so that they could be provided with assistance and rehabilitation services. She wished to know whether the Government trained the members of its diplomatic corps how to assist and repatriate Cameroonian women who had entered into "online marriages" with foreigners, which often led to their exploitation for the purposes of forced labour or prostitution.

29. **Ms. Leinarte** said that, since the prohibition of prostitution was not stopping it from occurring, Cameroon might consider amending its Criminal Code to decriminalize the practice. Had the Government compiled any data on women who engaged in prostitution? What forms of assistance and rehabilitation services were available to those who wished to leave that occupation?

30. **Ms. Abena Ondoa** (Cameroon) said that the Ministry of Women's Empowerment and the Family had met the 30 per cent quota for women in the Legislative Assembly by raising awareness among political party leaders of the need for an increased number of female candidates.

31. Reports claiming that the phenomenon of breast ironing affected some 40 per cent of girls and women in Cameroon were completely erroneous; rather, breast ironing was a marginal phenomenon. There was no doubt that it constituted a harmful traditional practice, and it was accordingly punishable under criminal law.

32. Like many other countries, Cameroon had witnessed a moral decline in its society, and the Government had considered it important to inform parents that young women who dressed in an indecent manner exposed themselves to the risk of rape or sexual abuse. The government communiqué to that effect had been aimed solely at awareness-raising; if there had been any arrests on the basis of it, they would be considered an abuse of authority.

33. Child marriage was prohibited in Cameroon, and the Ministry was well aware of the negative implications for girls of early marriage and early sexual relations. The Ministry had been carrying out projects to raise awareness among parents concerning the importance of education for girls. The data it had compiled appeared to reflect a change in attitudes, and a greater number of parents were sending their daughters to school.

34. Although most prostitutes in Cameroon were Cameroonian, there were an increasing number of foreigners working as prostitutes, especially in the big cities. The Government had set up 91 Centres for Women's Empowerment, through which women who had left prostitution could obtain vocational training and psychosocial and financial support in order to find an income-generating occupation and become self-sufficient.

35. **Ms. Adebaba** (Cameroon) said that the initiative setting the electoral quota for women at 30 per cent was a temporary measure, as women's participation was expected to

increase beyond that rate. The Strategy Document for Growth and Employment set a target for the participation of women in the civil service at 30 per cent. That document also instructed the Cameroonian courts to apply the Convention directly until such time as its provisions had been incorporated into national law.

36. One obstacle to the prosecution of acts of violence against women that were punishable under criminal law, such as marital rape and female genital mutilation, was that they frequently went unreported, as reporting them was considered taboo. In order to ensure coverage of a broad number of discriminatory practices, the definition of the offences of breast ironing and female genital mutilation in the Criminal Code were not formulated as such. Rather they were styled in a more general fashion as "infringing the growth of a body part" and "genital mutilation", respectively.

37. In recognition of the need to continue its efforts to raise awareness of violence against women, the Ministry had carried out a three-year campaign to put a halt to rape and incest that had highlighted the fact that they were punishable offences and should be reported. Following the recommendations of a number of United Nations human rights treaty bodies, the Criminal Code provisions that exonerated perpetrators of rape who subsequently married their victim would be repealed. The fact that the definition of marital rape did not refer to the perpetrator's gender did not impair a woman's ability to file a complaint and to have her case heard in court. There were no plans to amend provisions that criminalized prostitution and its procurement; instead, measures were being taken to encourage women to leave prostitution by proposing income-generating activities.

38. **Ms. Abena Ondoa** (Cameroon) said that the Ministry for Women's Empowerment and the Family had carried out a study on domestic labour in Cameroon with the support of UN-Women. Its aim was to improve the situation of domestic workers and to encourage employers to register such workers so that they would be entitled to receive family benefits. Borders in Africa were very porous; she therefore agreed that it was necessary to improve border control in order to prevent the trafficking of Cameroonian children.

39. **Ms. Bareiro-Bobadilla** said that, even if breast ironing were not as widespread a phenomenon as had been reported, it was nevertheless important to put a halt to it. She would appreciate additional information on widowhood rites and the kidnapping of children for the purpose of selling their organs or using them in witchcraft or religious rites. How was the Government combating those abhorrent practices?

40. **Ms. Nwankwo** said that defence lawyers were skilful in using legal arguments that could help their clients to escape punishment and conviction. For that reason, it was essential to enact specific legislation that banned violence against women and that defined the offences of female genital mutilation and marital rape as such.

41. **Ms. Gabr** asked whether the Government might consider using its consulates to help provide assistance to Cameroonian girls and women who had been trafficked abroad for the purposes of forced labour or prostitution. The State party might wish to seek assistance from international organizations such as the United Nations Children's Fund (UNICEF) and UN-Women in gathering data on homeless children in Cameroon.

42. **Ms. Šimonović** said that the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were working on a joint general recommendation on harmful practices involving girls under the age of 18. Did the Government have an estimate of how prevalent breast ironing was and did it think it was feasible for the practice to be eliminated through government action? The Committee's general recommendation No. 19 on violence against women clearly categorized female genital mutilation as a form of violence against women, as did various regional instruments. The State party should therefore explicitly prohibit that practice as a gender-specific form of violence.

43. **Ms. Abena Ondoa** (Cameroon) said that breast ironing was not performed with an iron but with other objects, such as a piece of wood, and that it was a marginal phenomenon. The Government was working alongside civil society organizations to eliminate widowhood and other rites that were dehumanizing and humiliating. International Widows' Day was commemorated in Cameroon on 23 June. It was true that young girls had been kidnapped for use in witchcraft and religious rituals. The persons responsible had been tried and punished, and an awareness-raising campaign had been conducted in the district of Yaoundé where the kidnappings had occurred. A police station had also been established there to patrol the area.

44. Female genital mutilation was a very serious problem, particularly in the south-west, the far north and large cities, and efforts were being made to raise awareness about its disastrous consequences. The Government condemned the exploitation of women who entered into marriage with foreigners whom they had met over the Internet, but it was difficult to convince those women that such marriage offers were not in their best interest.

45. **Ms. Adebaba Esseneme** (Cameroon) said that widowhood rites had been prohibited by law since 1981 but were nonetheless still practised. Often it was the widows themselves who chose to undergo those traditional rites. A specific bill on violence against women had initially been drafted but, because the offences covered by the bill were already covered in the Criminal Code, it had been deemed preferable not to create confusion by adopting overlapping legislation. As she understood it, general recommendation No. 19 did not require States parties to adopt specific legislation on violence against women; rather, the important thing was to punish such violence. Current laws were being revised to eliminate any aspect of gender-based discrimination in their provisions. The word "female" did not precede the term "genital mutilation" in the national law dealing with that offence so that the law would also apply to cases of male genital mutilation should they occur.

46. **Ms. Epoh Adyang** (Cameroon) said that the Government was working in partnership with UNICEF to combat trafficking in children and was also working with the International Labour Organization (ILO) and the International Organization for Migration (IOM) to combat human trafficking in general.

47. **Mr. Abessolo Asseko** (Cameroon) said that a 1987 study on homeless children in Cameroon had been updated in the 2000s. There were about 1,600 homeless children living in the country. Thus far, more than 600 homeless children had been rescued and placed in schools or training facilities.

48. **Mr. Nkou** (Cameroon) said that Cameroonian women were generally aware of their rights. Thus, those who found themselves in exploitative situations abroad could seek assistance from the nearest Cameroonian consulate, which would help them to file a complaint and return to Cameroon if they so wished. He would like to remind the Committee that Internet marriages were a global phenomenon.

49. **Ms. Šimonović** said that it was true that the State party could choose either to adopt a law on violence against women or to address the issue through criminal legislation. She would like to stress, however, that a gender-specific legal provision on female genital mutilation would not be discriminatory.

50. **Ms. Abena Ondoa** (Cameroon) said that a baby had indeed been kidnapped from a hospital in Yaoundé. The perpetrator had been brought to justice and punished, and hospital security had been reinforced to prevent the recurrence of such an incident.

51. **Ms. Bareiro-Bobadilla** said that the State party was to be commended on its successful efforts to increase women's role in political life, but a legal framework for their participation was needed in order to ensure that those achievements would endure. She

would appreciate further statistics, in writing, on the number of women in the civil service and in municipal legislative bodies.

52. **Ms. Haidar** said that she welcomed the progress made in increasing women's representation in the judiciary but noted that their representation in the executive branch was still relatively limited. She wished to know what measures the Government planned to take to promote political participation among women outside urban areas.

53. **Ms. Gbedemah** said that some of the country's legal provisions on nationality appeared to discriminate against women. She would be interested in learning what steps the Government was taking to amend those provisions so as to achieve the substantive equality required under the Convention. Birth registration should be promoted and enforced, particularly for girls, as doing so would help to prevent early marriage.

54. **Ms. Abena Ondoa** (Cameroon) said that her Government did hope to adopt a law that would set quotas for women's participation in politics. Her delegation would provide the requested statistics in writing. Women were often hesitant to become involved in politics due to family pressure. With the help of rural women's groups and radio stations that broadcast in local languages, the Government was therefore working to raise awareness of the importance of women's participation in political affairs.

55. **Mr. Nkou** (Cameroon) said that Cameroonian women who married foreign men did not lose their Cameroonian nationality. Any foreigner who wished to acquire Cameroonian nationality could follow the standard application procedures.

56. **Ms. Abena Ondoa** (Cameroon) said that her Government would take into account the Committee's comments regarding birth registration and early marriage. The Government was aware that further awareness-raising about the importance of birth registration was needed and was taking steps in that regard with assistance from UNICEF and other international organizations.

57. **Ms. Gbedemah** said that the Committee was concerned about procedural as well as substantive discrepancies in the laws on nationality. Under Cameroonian law, a foreign woman who married a Cameroonian man could acquire Cameroonian nationality automatically, upon request, at the moment she entered into the marriage, whereas there was no analogous provision concerning a foreign man who married a Cameroonian woman.

58. **Mr. Nkou** (Cameroon) said that the granting of Cameroonian nationality was not automatic and that anyone who wished to obtain Cameroonian nationality was required to follow the standard application procedures. The legislation on nationality applied equally to men and women and was not discriminatory.

59. **Ms. Gbedemah** said that, according to information before the Committee, in some areas only 17 per cent of girls attended school. What steps was the Government taking to ensure that the law establishing compulsory education was enforced, including in rural areas, and to ensure that education was affordable and culturally appropriate for all groups, including indigenous peoples? She urged the State party to focus on lowering the dropout rate by encouraging girls who had entered into early marriages or who had become pregnant to return to school. Did school curricula include age-appropriate education on sexuality, reproductive health and reproductive rights? She wished to know how many people had been punished for committing sexual harassment in the country's schools and what punishments had been meted out. Lastly, she would like to know what temporary special measures the Government was planning to introduce in order to encourage more women in higher education to choose fields of study that had traditionally been dominated by men.

60. **Ms. Patten** said that she welcomed the State party's acknowledgement in its replies to the list of issues that article 74 of Order No. 81-02 of 29 June 1981 on the organization

of civil status was obsolete, but wondered why the Government had not repealed it if that was the case. She asked the delegation to clarify how Order No. 159/CAB/PM of 11 October 2010 on the creation, organization and operation of the National Labour Monitoring Centre (Observatoire National du Travail) had had an impact on social protection in the informal sector. She wished to know when the reform of the social security system was likely to be enacted and what percentage of women working in the informal sector would be eligible to contribute to a social insurance fund under the new rules.

61. She would like to know how the Ministry of Labour monitored working conditions on cocoa plantations, which were reportedly hazardous and exploitative. She also wished to know how the Ministry was addressing the vulnerability of domestic workers, the exploitation of girls living in foster care, and the cases in which women were reportedly the victims of systems of hereditary slavery.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1190

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
20 February 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1190th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 February 2014, at 3 p.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Cameroon (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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In the absence of Ms. Ameline, Ms. Jahan, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Cameroon (continued) (CEDAW/C/CMR/4-5; CEDAW/C/CMR/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cameroon took places at the Committee table.*

2. **Ms. Nwankwo**, commending the State party's health programmes for women, asked whether an impact assessment had been carried out and, if so, what the outcome had been, as well as whether indigenous women could access them. The main cause of the State party's high maternal mortality ratio was bleeding, a problem aggravated by the scarcity of blood available for transfusions; she therefore wished to know when the relevant bill on safe blood transfusion would be passed. She asked how the Government was promoting contraception and whether it was available to all women, including indigenous women and refugees.

3. She asked whether Cameroon would consider decriminalizing abortion in cases of incest given the State party's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which provided for abortion in such circumstances and which took precedence over domestic legislation. Noting the low number of HIV-positive pregnant women and children receiving antiretroviral drugs, she enquired about plans to make the treatment universal.

4. The Committee had received information that the lesbian, gay, bisexual and transgender (LGBT) community was still unable to access health services for fear of stigmatization and arrest; there had even been reports that doctors trained by the Global Fund to Fight AIDS, Tuberculosis and Malaria to meet specific LGBT health needs had refused to treat LGBT patients, resulting in deaths. Furthermore, lesbians were occasionally compelled by their families to become pregnant, sometimes through rape, in order to "prove" their heterosexuality. Was the Government willing to address such issues?

5. **Ms. Haidar** said that the 2035 development vision objective to empower women economically was vital. She wished to know what reforms had been made to improve rural women's access to farmland; to what extent the State funded microcredit projects; how such projects were monitored and adjusted; and how the resulting experience was shared.

6. **Ms. Nwankwo**, noting that the report did not contain information on indigenous women, said that alternative sources claimed that they suffered multiple discrimination and were extremely vulnerable. She asked what measures had the State party adopted, or intended to adopt, to guarantee their collective rights, including the right to ownership and control of ancestral lands and natural resources. What measures were planned to ensure indigenous women's full participation in land reform and infrastructure and conservation projects that affected their right to land and resources? Although women's ownership of land was limited in Cameroon, they played a major role in food production and were often considered owners of crops. She therefore wished to know what the Government planned to do to increase women's landownership, including women from marginalized ethnic groups. Lastly, she asked how the Government provided safe drinking water and sanitation to rural women and whether data on access to water and sanitation were available.

7. **Ms. Abena Ondoa** (Cameroon) said that girls' education was a priority for the Government. Education was compulsory and free and awareness and incentive programmes were carried out in priority education zones in partnership with the Islamic Educational,

Scientific and Cultural Organization (ISESCO) and the United Nations Children's Fund (UNICEF). Women's and parents' associations worked with the authorities to undertake radio campaigns in local dialects to encourage families to send girls to school.

8. Since the 1970s, all girls who became pregnant could continue to attend school if they so wished, and their families decided how best to care for the child after the birth. Whether a girl returned to school after marriage depended on her family and the area in which she lived; increasing numbers were returning to school as the population became more aware of the contribution that educated girls could make to families. Sex education, a priority for the Government, had been added to school curricula and was included in the latest editions of textbooks.

9. Studies were being carried out by the Ministry of Labour and Social Security to ensure that all workers were covered by the social security system, including women in the informal sector, and a high-level meeting on the issue had taken place within the Ministry. The authorities relied on citizens to report cases of exploitation of female cocoa plantation and domestic workers; however, no statistics relating to such offences were available.

10. Indigenous women were included in programmes aimed at indigenous communities, including agricultural projects and training for young indigenous people. In order to provide proper sanitation for rural women, the Government and its partners were digging wells and installing toilets as part of a bigger dam-construction project. Although no impact assessment had yet been carried out, the project was a major step towards addressing the lack of water and sanitation in rural communities.

11. **Ms. Adebaba Esseneme** (Cameroon) said that because sexual harassment had not yet been criminalized, only administrative sanctions could be applied. One such case involved several university employees who had been suspended without pay for sexually harassing female students.

12. With regard to land ownership, women in rural areas were affected by problems relating to traditional practices and a general lack of land rights. Displaced people were usually compensated in order to protect collective rights and a range of programmes and projects ensured that indigenous women could access health-care and education services.

13. **Ms. Abena Ondoa** (Cameroon) said that the Government was working to ensure that blood was available for transfusions in all medical facilities. A secretariat had been established by the Ministry of Public Health to manage the process and combat maternal mortality caused by severe bleeding. The appearance of HIV/AIDS had had a significant impact on the availability of blood supplies, not only because some donated blood could not be used, but because many potential donors preferred not to donate blood for fear of revealing that they were HIV-positive. Contraceptives were widely available and most health-care facilities had family planning services. In recent months, the price of female condoms had been reduced to that of male condoms. Awareness-raising programmes directed at young people covered family planning, contraception, early pregnancy and HIV infection. Antiretroviral treatment was available free of charge and the Government was striving to make it accessible to all.

14. **Ms. Adebaba Esseneme** (Cameroon) said that legal abortions could be obtained when the health or life of the mother was in danger and in cases of rape. In the latter instance, the office of the public prosecutor must attest to the facts of the case and certify that charges of rape had been brought and an investigation launched. Victims of incest, however, did not have the right to abortion. Cameroon was a party to the Protocol on the Rights of Women in Africa.

15. **Ms. Epoh Adyang** (Cameroon) said that the authorities were working with civil society organizations, the International Organization for Migration and the Office of the

United Nations High Commissioner for Refugees to tackle problems experienced by women domestic workers. The Government was looking at ways of improving access to social services for indigenous peoples living in remote areas, such as Pygmies and Mbororo communities, and better addressing their needs, for instance by adapting the timing of school terms to the hunting and pastoral seasons.

16. **Ms. Abena Ondoa** (Cameroon) said that some school textbooks had been produced in the languages of indigenous peoples in order to facilitate their access to education. The Ministry of Women's Empowerment and the Family had launched a project to help rural women to access low interest loans. The project had proven successful in three regions, where a number of women had started small businesses. There were no detailed statistics on the numbers involved, however. Other ministries were developing similar projects. At the same time, the Ministry had run awareness-raising campaigns to ensure that women did not mistake the loans for handouts.

17. **Mr. Abessolo Asseko** (Cameroon) said that the majority of recipients of funds funnelled through the Government by international agencies for community development programmes were women. Most of them had been able to launch small businesses, which in turn had created a virtuous circle of economic development. Thousands of young women had also benefited from the work of the Rural and Urban Youth Support Project and National Employment Fund and received training that would open up employment opportunities for them.

18. **Ms. Nwankwo** reiterated her concern that members of the lesbian, gay, bisexual and transgender (LGBT) community tended not to access medical services because they were afraid of being arrested should they declare their sexual orientation.

19. **Ms. Pimentel** asked how the Government ensured that women had access to safe abortions in cases not covered by criminal law such as rape or when the health or life of the mother was in danger.

20. **Ms. Abena Ondoa** (Cameroon) said that health services were available to all. The denial of health care to persons on the grounds of their sexual orientation was punishable by law.

21. **Ms. Adebaba** (Cameroon) said that the Government and civil society conducted campaigns to make medical, judicial and law enforcement personnel more aware of discrimination issues. Capacity-building programmes on such issues were conducted under the auspices of the Ministry of Justice. The fact that homosexuality was illegal in Cameroon in no way impinged on the right to universal health care. It was true that some rape victims were reticent to request abortions even though they were in possession of certificates from the office of the public prosecutor attesting to the facts of the case. In such cases, however, doctors had a legal obligation to perform abortions. The Government intended to adopt measures to facilitate access to abortion on the grounds provided for under the law.

22. **Ms. Schulz** said that the slow pace of legal reform was a source of concern. Moreover, it was by no means clear that key areas of discrimination against women would be tackled under the new legislation, in particular amendments to the Criminal Code and the preliminary draft family code. Although the legal minimum age for marriage would be set at 18 years, it appeared that exceptions would be made where girls who were minors consented to marriage with parental approval. The Committee had been informed that around 30 per cent of marriages in the State party currently involved girls under the age of 15. It also appeared that the definition of the husband as head of the family would remain unchanged, giving him the sole right to decide on matters affecting the entire family, and that the management of family assets would remain in the hands of men alone. Only when such disparities were eliminated would the State party's legislation comply with article 16 of the Convention.

23. She would like to know how divorce resulting from adultery and the distribution of assets after divorce would be addressed under the new family code. While welcoming the fact that penalties for adultery under amendments to the Criminal Code would apply equally to both sexes, she asked whether such penalties were appropriate. Would not alternative approaches, including mediation, be better adapted to the needs of families encountering such difficulties? The Committee would welcome statistics on the application of current criminal provisions in cases of adultery. She asked whether the Government was taking steps to discourage the practice of polygamy and reduce the discrimination that it often engendered. She asked how equality between wives and their respective children in polygamous marriages was safeguarded and whether NGOs working with women could represent them in court in discrimination cases.

24. **Ms. Abena Ondoa** (Cameroon) said that, although she did not have official figures to hand, the assertion that 30 per cent of all marriages in the State party involved girls aged under 15 was greatly exaggerated.

25. **Ms. Adebaba Esseneme** (Cameroon) said that the preliminary draft code of the person and the family had been incorporated into the preliminary draft civil code, which was being drawn up. A great deal of new legislation was being developed in accordance with article 16 of the Convention to dispel any authoritarian notion of the husband as the head of the household. Under the amended Civil Code the husband's role would encompass responsibility towards his spouse, who must be consulted on matters such as property and child-rearing. Article 16 of the Convention had primacy in the courts and women could sue their husbands for selling the family home without consultation, for example.

26. Legislation on the minimum age for marriage, which was currently set at 15 years for women and 18 years for men, was being amended to bring the age to 18 years for both. In all cases, the consent of both parties was required for marriage. In addition, the Government was discussing how polygamy might be regulated to meet the needs and reflect the customs of society. Monogamous unions were promoted in society, in accordance with the Protocol on the Rights of Women in Africa. Initiatives were being taken to raise women's awareness of the need to voice their consent to monogamy during the marriage ceremony, as silence was interpreted as consent to polygamy. Two courses of legal action were available to persons seeking the prosecution of adultery cases. Under civil law, a party could sue for divorce if the other spouse was suspected of adultery. The Criminal Code, however, required the wronged party to lodge a complaint before proceedings could be instituted. While it contained different definitions of adultery for men and women, the Code was being amended to provide for equal treatment for both. The Civil Code regulated marriages in general but contained no specific provision for polygamous unions or the division of property under such unions. There was a requirement, however, for couples to declare shared or separate assets in divorce cases and campaigns had been launched to inform women of the possibility of maintaining separate assets in polygamous marriages. Lastly, non-governmental organizations provided legal advice to women. Qualified lawyers belonging to those organizations sometimes represented the women in court.

27. **Ms. Schulz** said that clarification was needed of the changing notion of the husband's role as the head of the household, which still seemed to contradict article 16 of the Convention. Girls who were 15 or 16 years of age were children and, as such, could not consent to marriage. She requested further information on measures to discourage early marriage and on reports that local law enforcement authorities had taken action against families who married off underage girls. Did the Government foresee reversing the interpretation of the woman's silence at a marriage ceremony from consent to polygamy to consent to monogamy? Would the draft civil code currently under discussion regulate polygamous marriages?

28. **Ms. Abena Ondoa** (Cameroon) said that since 2007, the Ministry of Women's Empowerment and the Family had worked to address the problem of informal marriages, which placed women and children in such families in a vulnerable situation. No marriage certificate was issued, for example, which resulted in the absence of a birth certificate for the children of those unions. Many people entered into such unions because there was no requirement of a dowry, which was unaffordable for many families. Collective marriage ceremonies, which excluded the need for a dowry, had therefore been introduced to regularize marriage and enhance the protection of women's rights. Seminars were conducted prior to the marriage to inform women of their rights and the consequences of polygamous marriages. Nonetheless, some women continued to opt for polygamy.

29. **Ms. Adebaba** (Cameroon) said that the law had been silent with regard to marital status because marriages were deemed by tradition to be polygamous in Cameroon and that assumption had persisted. However, the relevant law had been reviewed and currently required the civil registrar's office to specify the type of marriage in the marriage certificate. It was foreseeable that polygamy would diminish in view of the challenges posed to such unions, which included the requirement that each wife must have a separate household, a shift in societal attitudes towards monogamy and women's increasing economic empowerment. Amendments to the law to increase the minimum age for marriage for women to 18 years had not yet been adopted. Under the laws in force in that area, girls could marry at 15 years of age as they were not considered minors. Their consent was nevertheless required for marriage.

30. **Ms. Schulz** said that, in the light of the present Convention and the Convention on the Rights of the Child, which took precedence over national legislation and contained provisions on the minimum age for marriage, national legislation was not aligned with international standards.

31. **Ms. Abena Ondoa** (Cameroon) said that additional documents would be sent for review and sincerely thanked the Committee members for the constructive dialogue.

The discussion covered in the summary record ended at 4.35 p.m.

United Nations CEDAW/C/SR.1191

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1191st meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 February 2014, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports of States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Initial report of Qatar

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Initial report of Qatar (CEDAW/C/QAT/1; CEDAW/C/QAT/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Qatar took places at the Committee table.*

2. **Ms. Al-Easa** (Qatar) said that the initial report of Qatar (CEDAW/C/QAT/1) had been drafted with the involvement of several governmental and non-governmental bodies. Her Government's commitment to human rights had been underscored by its adoption, in 2008, of the 2030 Qatar National Vision, which addressed important human rights issues and emphasized capacity-building for women and their economic and political empowerment, particularly with regard to decision-making.

3. The unusual profile of the population of Qatar — the majority of the population was non-Qatari, 75 per cent of the population was male and the total population had tripled over the past 10 years — had given rise to considerable challenges with regard to the promotion and protection of human rights in general and women's rights in particular. As part of the State's efforts to respond to those challenges, it had become party to a number of international human rights treaties, which, pursuant to article 68 of the Constitution, had the force of law once they had been ratified and published in the official gazette. Every effort had been made to implement the provisions of those treaties and to bring domestic laws into line with the international law instruments to which Qatar was party.

4. A number of governmental and non-governmental institutions devoted to the promotion and protection of human rights had been set up, including the National Human Rights Commission, which was in compliance with the Paris Principles. The Supreme Council for Family Affairs was an independent body responsible for promoting the role of the family and women in society. Civil society, in particular non-governmental organizations such as the Qatar Foundation for the Protection of Children and Women, played an important part in upholding women's rights as well. A national development strategy, which included a sectoral strategy for promoting family cohesion and women's empowerment, had been adopted for the period from 2011 to 2016. As part of that strategy, steps were being taken to increase the number of women in leadership positions and to establish civil society organizations to address women's issues.

5. Progress had been made towards ensuring universal access to education, promoting gender equality and eradicating gender disparities in education. Girls' enrolment in the Qatar Community College had risen to more than 50 per cent of the total student body by the end of 2013. Women's participation in the labour market and in public life had also increased, and around 27 per cent of business managers were women. Efforts were being made to increase women's involvement in decision-making and to appoint more women to the diplomatic service; the first female Qatari ambassador had been appointed in 2013 to Croatia.

6. The Government of Qatar attached great importance to international cooperation and had hosted numerous international meetings, including the Third Ministerial Meeting of the Non-Aligned Movement on the Advancement of Women in 2012.

7. Although steps had been taken to bring domestic laws into line with the Convention, challenges remained. Efforts to achieve that alignment therefore continued. To date, new legislation had been drafted on domestic workers, children's rights, the rights of Qatari women married to non-Qatari men, and litigation procedures in family matters, as well as amendments to the Family Code and laws related to violence against women. Several

committees were to be set up to analyse the implications of new legislation for women and cross-check them with the international treaties to which Qatar was party in order to identify any discrepancies. Measures could then be taken to improve harmonization. Particular attention would be paid to provisions on part-time work for women and on the family court system.

8. **Ms. Patten** said that she would like to know whether Qatar intended to ratify the core human rights treaties to which it was not yet party. Given the State party's heavy dependence on migrant labour, she would be particularly interested to hear whether there were any plans to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Although the principle of equality was enshrined in article 35 of the Constitution, it did not yet include a definition of discrimination against women in line with article 1 of the Convention. Was the Constitutional Court operational and was it accessible to non-Qataris who were residing in Qatar? She wished to know whether a gender impact analysis of the bills currently under review had been conducted and whether a timetable had been set for their adoption. Lastly, she would like to know whether a legal aid system was in place in the State party and what efforts were being made to enhance the visibility of the Convention.

9. **Ms. Šimonović** said that although article 68 of the Constitution stated that all approved treaties had "the power of law after ratification and publication in the official gazette", it also stated that "reconciliation treaties and treaties pertaining to the territory of the State or those relating to the right of sovereignty or public or private rights of the citizens, or those that involve an amendment of the laws of the State shall come into force when the same are issued as a law". Since the Convention on the Elimination of All Forms of Discrimination against Women concerned the public and private rights of women, she wondered whether it could be invoked directly in the courts or whether its provisions must be incorporated into a national law.

10. The State party's declaration concerning article 1 of the Convention seemed unnecessary, since the words "irrespective of their marital status" were not intended to encourage family relationships outside of marriage. She would appreciate clarification regarding the State party's reservation to article 2 (a) in connection with the rules of the hereditary transmission of authority and would be interested in seeing examples of legislation that expressly prohibited discrimination against women.

11. **Ms. Al-Easa** (Qatar) said that the State party had submitted a reservation to article 2 (a) because that article ran counter to article 8 of the Constitution.

12. **Mr. Al-Obaedli** (Qatar) said that the State party did not intend to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. **Mr. Al-Muhannadi** (Qatar) said that the Constitution did not discriminate between Qataris and non-Qataris; all persons were equal before the law. The bill on domestic workers was currently before parliament for its consideration. Given the challenges posed by the composition of the population, that bill required careful study in order to ensure that it was in line with all other relevant national laws and international instruments to which Qatar was party. The bill on the status of children of Qatari women married to non-Qataris had been submitted to parliament by the Supreme Council for Family Affairs.

14. **Ms. Al-Easa** (Qatar) said that the processing of draft laws was part of a legislative cycle, and the amount of time necessary for their passage therefore varied depending on how heavy the workload of the Majlis Al-Shura, the legislature of Qatar, was at the time. While there was political will to accede to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the procedures entailed in the ratification of international instruments had already placed a

heavy burden on Qatar's legislative authorities, and they would therefore need time to assess the implications of accession. Qatar did, indeed, have a legal aid system.

15. **Mr. Al-Mulla** (Qatar) said that legal assistance was provided to victims of violence, including legal aid services. Every effort was made to ensure that perpetrators of violence did not reoffend.

16. **Mr. Al-Muhannadi** (Qatar) said that, under article 68 of the Constitution, international treaties ratified by the State of Qatar assumed the force of law upon their publication in the official gazette, and of course that provision was applied throughout the judicial system.

17. **Ms. Al-Easa** (Qatar) said that the Supreme Council for Family Affairs placed great importance on raising awareness of the provisions of the Convention and had, even prior to ratification, held a series of educational seminars and workshops on the Convention. Awareness-raising events were open to the public, and webcasts of them could be accessed through the websites of the Supreme Council for Family Affairs and the National Human Rights Commission.

18. **Ms. Patten** said that she would appreciate further clarification regarding the State party's plans to ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and regarding the question as to whether or not the Convention could be invoked in Qatari courts.

19. **Ms. Šimonović** said that it would be useful if Qatar submitted a core document in which it explained how international treaties were applied in the country. She wished to know whether it was the Convention or national law that had primacy in the event of a conflict between the two.

20. **Ms. Al-Easa** (Qatar) said that international treaties to which Qatar was party were published in the official gazette, had the full force of law and had primacy over national law.

21. **Mr. Al-Muhannadi** (Qatar) said that the two human rights covenants would be ratified if, after careful consideration, they were found to be in line with national legislation and local traditions and customs.

22. **Ms. Patten** asked the delegation to provide examples of cases in which the Convention had been applied by the courts.

23. **Ms. Al-Easa** (Qatar) said that there had not yet been a situation in which the courts had needed to choose whether to invoke national law or the Convention. However, a review of the Family Code was under way, and any amendments that were introduced would be in conformity with the Convention.

24. **Ms. Pires** said that she would like further information on the specific mandate of the Supreme Council for Family Affairs, the resources allotted to it and its level of visibility in the Government. What kind of impact had the restructuring of the Council had on the machinery for the advancement of women? She wished to know how the Council reconciled its role in promoting family cohesion with the need to empower women and do away with stereotypes about their place in the family and in society. She would be interested to learn how the Council ensured gender mainstreaming in government policies and whether the progress made thus far under the Qatar National Development Strategy for 2011–2016 had been assessed. She wished to know what the Council's position on the bill on domestic violence was, whether it intended to monitor the action taken in response to the Committee's concluding observations, and whether it had been monitoring the implementation of the recommendations accepted by Qatar at its most recent universal periodic review.

25. **Ms. Neubauer** said that she wished to know whether the State party's report had been posted on the website of the Supreme Council for Family Affairs and whether the Committee's concluding observations would also be made available on that site. She was concerned by the fact that civil society organizations lacked personnel with technical expertise in human rights in general and in women's rights in particular, as acknowledged in the State party's report. How did the Government plan to build capacity in that area? How had gender mainstreaming been supported and applied since the adoption of the Qatar National Development Strategy for 2011–2016, and who was responsible for coordinating and monitoring gender mainstreaming throughout the Government? Lastly, she would like to know how familiar the members of the Majlis Al-Shura were with the Convention and the principles of gender equality and non-discrimination against women.

26. **The Chairperson** asked what links existed between the Supreme Council for Family Affairs and government ministries and how it coordinated its work with other bodies.

27. **Ms. Al-Easa** (Qatar) said that the Council was an independent government body funded by the State. Its budget for each year was based on its planned activities, which included training sessions, conferences and awareness-raising campaigns. The Council coordinated its work with the Ministry of Education and the Ministry of Health on a daily basis. It also involved civil society organizations in its activities.

28. **Ms. Al-Murekhi** (Qatar) said that the Council was a policymaking body that dealt with social and family matters and that provided oversight for policy implementation. As it was under the aegis of the Office of the Emir, it was, in turn, subject to close monitoring by senior government authorities. The Council had played a key role in the preparation of the Qatar National Development Strategy for 2011–2016 and especially of the part of that strategy concerned with gender mainstreaming. Women's issues were addressed in each of the areas making up the strategy's four main pillars. The Council had also striven to ensure that special attention was devoted to the problem of violence against women.

29. **Ms. Al-Easa** (Qatar) said that the State party's report was available on the website of the Supreme Council for Family Affairs. Several different bodies had worked actively to disseminate the report, which bore witness to the country's political will to promote and protect women's rights.

30. **Ms. Al-Sulaiti** (Qatar) said that men and women had access to education on an equal footing, as guaranteed by the Constitution.

31. **Ms. Neubauer** said that since, according to the State party's report, there were no specialized women's associations in the country, she would like to know what steps the Government was taking to encourage women to establish such associations. She wished to know whether the annual budget of the Supreme Council for Family Affairs had been increasing or decreasing since its establishment and how many staff members it had.

32. **Ms. Patten** said that she would appreciate information about the civil society organizations that worked with the Council, as it was her understanding that Act No. 12 of 2004 made it very difficult for such organizations to operate.

33. **The Chairperson** asked what measures the Government planned to take in order to provide assistance to women victims of violence and to help to ensure that they could secure redress through the courts.

34. **Ms. Al-Easa** (Qatar) said that the Supreme Council for Family Affairs had a governing council, a secretariat and six directorates. All the directorates worked together to design the Council's annual programme and its budget proposal, which were then submitted to the Ministry of Finance. The budget had been increasing from year to year. The Council

employed 55 professional staff and 25 auxiliary staff. Most of its staff members were Qatari women, but it also had male and foreign staff members.

35. All projects carried out by the Council were subject to a yearly evaluation. The State party had gone to great pains to draft its initial report in accordance with the Committee's guidelines. Training workshops were held in cooperation with the United Nations and other bodies to build capacity in the preparation of reports.

36. Private associations did exist in Qatar and operated in accordance with Act No. 12 of 2004. They dealt with matters involving children, human trafficking and other social issues. There were no legal barriers to the establishment of women's associations, but it was not the Council's role to encourage women to set up such organizations; Qatari women themselves should take responsibility for leading that process.

37. **Ms. Gabr** said that temporary special measures differed from positive measures in that they were time-bound and addressed a specific need. They did not run counter to the Islamic sharia or to national laws, and she urged the State party to make use of them. She would be interested to learn whether such measures were included in the Qatar National Development Strategy for 2011–2016. Further information would be appreciated on efforts to increase the number of women in decision-making positions, including the time frame envisaged for the achievement of that goal. She would also like to urge the State party to act upon the recommendations that it had accepted during the most recent universal periodic review concerning women's empowerment and participation in political and public life. She noted that there were no women in the Majlis Al-Shura, and she would like to know whether the Government was considering using temporary special measures to increase women's participation in politics and in the judiciary.

38. **Ms. Al-Easa** (Qatar) said that the Government had introduced several temporary special measures to benefit women. For example, children of Qatari women married to foreign men were issued residency permits for as long as they remained in the country. They were also issued travel documents and had access to education and health services on an equal footing with Qataris, and as adults they were given special consideration when applying for Qatari citizenship. Thanks to the use of such measures in the field of education, about 25,000 women had graduated from Qatar University since its establishment in 1976.

39. **Mr. Al-Muhannadi** (Qatar) said that women would be free to run as candidates when elections to the Majlis Al-Shura were held. While the members designated by the Emir did not include any women, there was no legal barrier to the appointment of women.

40. **Ms. Gabr** asked whether it might be possible to establish a quota for the number of seats to be held by women in the Majlis Al-Shura or other political bodies.

41. **The Chairperson** said that, while the Committee was aware that Qatari law did not discriminate against women, its members were interested in determining what obstacles might prevent women from exercising their rights in practice.

42. **Ms. Schulz** said that the series of measures that had been introduced to alleviate the disadvantages suffered by children of Qatari women married to foreign men did not qualify as temporary special measures under the definition set out in the Committee's general recommendations.

43. **Ms. Al-Easa** (Qatar) said that her Government did, in fact, consider those measures to be temporary special measures which had enabled many families to remain together and achieve stability. Elections to the Majlis Al-Shura would be held in accordance with the provisions of the decree that was to be issued by the Emir. Promotions in the civil service were granted on the basis of merit, and the Human Resources Administration Act did not contain any provisions that discriminated against women.

44. **Ms. Acar** asked why the measures adopted for the benefit of children of Qatari women married to foreigners were considered to be temporary. Did that mean that they would be rescinded in the future? She wished to remind the delegation that there was a difference between temporary special measures and positive measures.

45. **Mr. Al Muhannadi** (Qatar) said that the temporary measure under which foreign men married to Qatari women were allowed to acquire Qatari nationality was aimed at enabling them to transfer Qatari nationality to their children. That measure would remain in effect only until the adoption of legislation to regulate the status of such men. Any decision regarding the establishment of electoral quotas would be reflected in a decree issued by the Emir.

46. **Ms. Šimonović** said that, in its second periodic report, it would be useful for the State party to elaborate further on its implementation of article 4.1 of the Convention, which dealt with temporary special measures. Further clarification on that provision was provided in the Committee's general recommendation No. 25.

47. **Ms. Al-Easa** (Qatar) said that the State of Qatar was working hard to ensure women's equality in the workplace. The Labour Code provided special benefits for women in both the public and private sectors, including a 60-day period of maternity leave, a 2-year period of leave for nursing mothers and a 3-year period of leave for mothers of a child with a disability. The overall paid leave granted to working women exceeded that of men, which constituted a form of positive discrimination.

48. **Ms. Haidar** said that she was particularly concerned about negative stereotypes and the detrimental effects that they had on women in Qatar. Although the development of a legislative framework to protect women's rights was certainly important, the effective implementation of that framework was even more so. Non-Qataris made up the vast majority of the population of Qatar and included migrant workers and stateless persons, many of whom were women. Some of those women faced multiple forms of discrimination, many of which could ultimately be traced back to negative stereotypes. Stereotypes of that sort were often subscribed to by those women's female employers, as well as others. While she was aware that the Government had developed training programmes for the police and members of the judiciary whose aim was to challenge such stereotypes, she had also noted that those programmes were not compulsory. Furthermore, it was her understanding there were no active women's organizations in Qatar; such associations might otherwise have served as valuable partners in helping to raise awareness about the harmful effects of stereotypes. Given those circumstances, she would be interested to learn how the State planned to go about changing attitudes at the grassroots level.

49. **Ms. Pomeranzi** said that she would welcome additional information on the services offered to victims by the Dar al Aman shelter for women and children, the Qatar Foundation for the Protection of Children and Women, and the branch offices of the Qatar Foundation in the Hamad General Hospital, the Doha Police Department and the Office of the Family and Juvenile Court Prosecutor.

50. In its initial report, the State party had said that no steps had been taken to adopt specific legislation to combat violence against women because such violence and related offences were dealt with fully in the Criminal Code. However, there were no data to support the State party's contention that the Criminal Code served as a deterrent to the commission of violence against women because it stipulated that the punishment for physical assault was the death penalty. On the contrary, that argument seemed to be contradicted by the data supplied on the Qatar Foundation's hotline, according to which some two thirds of the approximately 10,000 persons who had made use of the hotline since its inception in June 2010 were women. Those figures were a clear indication of the prevalence of domestic violence, which could not be dealt with solely by means of the

Criminal Code; instead, it must be understood as a more complex phenomenon. In view of the persistence of violence against women, including sexual violence against domestic workers, she was deeply concerned that no specific legislation was being envisaged. What was the position of the Supreme Council for Family Affairs regarding domestic violence in Qatar? She wished to know why the Qatari Government had rejected recommendation 15 of the report of the Working Group on the Universal Periodic Review, which concerned the adoption of a national plan to combat gender-based violence (A/HRC/14/2/Add.1).

51. **Ms. Acar** asked what was being done to address the socially accepted culture of discrimination against women that appeared to exist in Qatar. Stereotypes did not reflect mere divisions of labour between men and women but rather the presence of gender inequality. Violence against women, particularly domestic violence, was also a problem that originated in gender inequality; it could be dealt with properly only by addressing its root causes. Experience had shown that violence against women was not only a criminal matter; it was also a social and cultural phenomenon. She would be interested in seeing statistics on the disposition of the cases that had been reported to hotlines and shelters.

52. **Ms. Al-Murekhi** (Qatar) said that domestic violence was an age-old problem that was prevalent throughout the world and was not specific to Qatar. The Government had supplied the statistics compiled by various institutions, including law enforcement agencies and health-care institutions, in its initial report. As indicated in the report, all forms of violence perpetrated against either men or women were offences under the Criminal Code. The Government was engaged in a fact-finding exercise that would lay the foundation for the development of further anti-violence policies and legislation, with special emphasis on domestic violence. A national committee composed of representatives of the Ministry of the Interior, the Qatari Foundation for the Protection of Children and Women, and the Supreme Health Council had been set up in 2013 to compile statistics on violence and abuse that would serve as a basis for the next step, which would be to collect the additional data needed in order to draft those policies and legislation.

53. **Mr. Al-Obaedli** (Qatar) said that the Minister of Social Affairs signed off on the contracts of domestic workers in order to provide a means of safeguarding their rights. In 2012, the Ministry had approved some 3,800 contracts. It also monitored the activities of institutions that brought workers into Qatar in order to ensure that employers were respecting those workers' rights.

54. **The Chairperson** said that she would like to know what actions the State party planned to take in order to counter existing stereotypes and to remove cultural obstacles to the realization of women's rights. She would like to urge the State party to consider developing a specific law on violence against women, which could serve as a powerful public information and awareness-raising tool.

55. **Ms. Al-Easa** (Qatar) said that the Supreme Council for Family Affairs was working with all stakeholders to repudiate the stereotypes that were reflected in the media. The Council organized programmes and studies on violence against women and then posted their results on its web page. Those results indicated that violence against women in Qatar was not very prevalent. The Ministry of Labour was working with the police to gather information on the incidence of violence against female migrants.

56. **Mr. Al-Muhannadi** (Qatar) said that efforts were being made to foster a culture of human rights in Qatar. The Ministry of the Interior had set up special mechanisms to combat violence against women, and NGOs in all regions of the country were working towards the same objective.

57. **Mr. Al-Mulla** (Qatar) said that the Qatari Foundation for the Protection of Children and Women carried out awareness-raising campaigns, received complaints, operated a 24-hour hotline and partnered with government ministries and other stakeholders in the

country to safeguard children and women. The Foundation had developed a mechanism for following up on all cases in which women had been the victims of violence. It had also set up a working group of sociologists and medical doctors who specialized in cases of violence against women and ran welcome centres for women and child victims of violence.

58. **Ms. Haidar** said that she would like to know whether the Government envisaged making use of the media, putting up posters and/or calling on the assistance of NGOs in order to make domestic workers aware of their basic human rights, especially in view of the large number of such workers in Qatar.

59. **Ms. Patten** said that she wished to know how complaints of violence against women were handled in the absence of a specific law on the subject. She would appreciate further clarification on the review of the Family Code that was reportedly under way and would be interested in hearing whether the delegation considered the death penalty to be an appropriate penalty for physical assault in domestic violence cases.

60. **Ms. Acar** said that violence against women was indeed a universal problem that was based on a universal root cause, namely, gender inequality. Gender inequality was also the root cause of negative stereotypes. However, the gender-neutral approach reflected in the Criminal Code was not suitable because the problem was not gender neutral. The full extent of violence against women in Qatar could not be determined until the proper legislation and mechanisms for providing access to justice had been developed. She saw no reason why Qatar should not have a law on violence against women and urged the Government to join the other countries in the international community that had already done so. Calling on influential opinion leaders, especially religious leaders, to declare that violence against women was a crime under national law would be a way of mustering powerful support for such a law.

61. **Ms. Al-Easa** (Qatar) said that the Supreme Council for Family Affairs had tasked a committee with drafting a bill on violence against women. After due consideration, however, the Council had instead decided to address acts of violence against women as offences that were punishable under the Criminal Code. Special consideration was given to cases in which women were the alleged victims. A determination was made as to whether a case involved domestic violence, and women victims of violence were offered medical and psychological services.

62. **Ms. Al-Murekhi** (Qatar) said that Qatar was working on various fronts to review the Criminal Code and was considering the adoption of specific legislation on violence against women. To date, however, the Government was satisfied with the provisions of the Criminal Code that prohibited violence and with the safeguards that it provided for victims. Services were provided to victims of violence through governmental and civil society institutions.

63. She agreed that awareness-raising and education were of paramount importance in combating violence. The Supreme Council for Family Affairs distributed leaflets and put up posters in centres that provided victim protection services. It organized awareness-raising workshops and asked influential people in society to speak out about the need to combat violence against women. The Qatar Foundation for the Protection of Children and Women encouraged people to report cases of violence against women. Studies on the scope of violence against women in Qatar needed to be conducted in order to provide a basis for the formulation of policies to tackle the problem.

64. **Ms. Al-Easa** (Qatar) said that foreign female domestic workers could also seek protection from their respective consulates in Qatar. A special committee had been set up to review the Family Code and bring it into line with international standards.

65. **Ms. Al-Hur** (Qatar) said that the Qatar Foundation for the Protection of Children and Women launched periodic awareness-raising campaigns focusing on domestic workers. Seminars were also organized with the ambassadors of the countries that sent the largest number of domestic workers to Qatar, namely, India and the Philippines.

66. **Ms. Gabr** said that migrant and domestic workers were some of the people who were most at risk of human trafficking. A number of United Nations studies on the subject had been conducted. With the highest ratio of migrants to citizens in the world, Qatar was called upon to assume a greater share of responsibility for ensuring respect for the human rights of non-citizens. A case in point was the widespread practice whereby employers confiscated the passports of migrant workers. What measures were being taken to put a stop to that practice? Given that Qatar was a wealthy country, would it consider establishing a fund for the rehabilitation of trafficking victims, as well as increasing the number of welcome centres?

67. **Ms. Leinarte** said that she would like to have statistics on the number of persons who had been convicted and imprisoned for engaging in or procuring prostitution. Why did the law prescribe punishments only for prostitutes and pimps, while not ascribing any criminal liability to clients? She wished to know what kind of assistance was available for women who wanted to leave prostitution; what preventive measures were taken to combat the phenomenon of prostitution itself; and whether any awareness-campaigns were carried out in order to dissuade Qatari girls from becoming involved in prostitution. She would like to know whether the State party would consider decriminalizing prostitution in view of the evidence that suggested that its criminalization did not play a decisive role in preventing women from engaging in that occupation.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1192nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 February 2014, at 3 p.m.

Chairperson: Ms. Amelie

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial report of Qatar (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial report of Qatar (continued) (CEDAW/C/QAT/1; CEDAW/C/QAT/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Qatar took places at the Committee table.*

2. **Ms. Al-Shafei** (Qatar) said that her Government had accepted part of recommendation No. 15, contained in the report of the Working Group on the Universal Periodic Review (A/HRC/14/2, para. 85), including to adopt a national plan against gender-based violence, and rejected the other.

3. **Ms. Al-Hur** (Qatar) said that women seeking a place in shelters run by the Qatar Foundation for Combating Human Trafficking were interviewed in the presence of a lawyer and psychologist. An assessment of their needs was conducted case by case. Medical services, legal counselling and assistance with filing complaints with the police or the courts were made available to them.

4. **Mr. Al-Muhannadi** (Qatar) said that prostitution and all related activities were illegal. The definition of trafficking in persons under the national law was in line with the terms used in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The law covered different forms of trafficking, set forth protection measures for victims of trafficking and prostitution and established criminal penalties for offenders. Such offences were also punishable under the Criminal Code. Qatar cooperated at the regional and international levels in efforts to combat human trafficking. Shelters were available for victims, who were afforded the full protection of the law.

5. **Mr. Al-Obaedli** (Qatar) said that the State party was considering the introduction of electronically secured contracts for migrant workers in order to prevent tampering by employers. It was a criminal offence for an employer to withhold the passports of migrant workers. The Ministry of Labour employed only 200 labour inspectors, who were too few in number to deal with the large amount of contracts generated by the 164 employment agencies operating in the country.

6. **Ms. Al-Easa** (Qatar) said that migrant workers whose passports were withheld by their employers had the right to file a complaint against them and to retrieve their documents. As a rule, complaints were filed by their embassies.

7. **Ms. Gabr** said that the Qatar Foundation for Combating Human Trafficking should establish more shelters and step up efforts to rehabilitate victims. More needed to be done to make migrant workers aware that it was illegal for employers to withhold their passports in order to help to end the practice.

8. **Ms. Al-Easa** (Qatar) said that the Qatar Foundation for Combating Human Trafficking and other foundations were funded by the State. On their request migrant workers in difficulty received counselling and assistance in returning to their home countries. The Government was considering ways of providing more services to migrant workers.

9. **Ms. Al-Hur** (Qatar) said that as only 107 women had sought shelter with the Qatar Foundation for Combating Human Trafficking between 2008 and 2013, there was no need to open new shelters. The situation would be reviewed in the event of an increase in the number of victims seeking help.

10. **Ms. Haidar**, noting that there had been no female members of the Majlis Al-Shura (Advisory Council), the legislature of Qatar, for its past four terms, said that impending elections and planned amendments to electoral law presented an opportunity to boost the presence of women in political life, for instance by introducing a quota to guarantee a minimum level of female representation in the Majlis.

11. **Ms. Pires** regretted that the State party's initial report lacked statistical data disaggregated by sex on the proportion of women occupying decision-making positions in the public and private sectors. Such data was vital to the Committee for the purposes of assessing progress on efforts to achieve equality between the sexes in Qatar. She asked what was being done to increase the presence of women in the legal profession and the courts. The prohibition against women's leaving the country for protracted periods without an accompanying family member constituted a significant obstacle to their career development.

12. **Ms. Bareiro-Bobadilla** said that, according to one set of statistics, 38 per cent of voters in Qatar would favour female candidates. She asked whether it was possible to envisage a woman on the throne in Qatar and when women might be seen sitting on the country's highest courts. A strategy to promote equal participation in national political life was needed.

13. **Ms. Al-Easa** (Qatar) said that the Standing Committee on Elections worked to raise public awareness of electoral processes and women's eligibility to stand for election. One woman had recently been elected to the Municipal Council. New electoral legislation, when adopted, would be accompanied by a strategy to encourage women to participate in public life, which in turn would improve their chances of being elected and occupying senior political posts.

14. **Ms. Al-Murekhi** (Qatar) said that current legislation already provided for gender equality and encouraged equal employment opportunities. Progress had also been made on the number of women who held senior diplomatic positions.

15. **Ms. Al-Easa** (Qatar) said that there was no obstacle to women's holding senior posts in the judiciary. Women enjoyed the same right to promotion as their male counterparts.

16. **Ms. Schulz** regretted that the State party had not provided the statistical data relating to article 9 of the Convention and nationality matters, as the Committee had requested in the list of issues. Article 10 of the Nationality Act No. 38 of 2005 ran contrary to article 9, paragraph 1, of the Convention, as Qatari women who married foreign nationals automatically lost their Qatari nationality if they acquired that of their husbands and could only reacquire it if they renounced that nationality. Furthermore, foreign men who married Qatari women could not acquire Qatari nationality at all. Given that international treaties were supposed to have primacy over domestic law in the State party, which had made no reservation to article 9, paragraph 1, she asked when article 10 of the Nationality Act would be amended to bring it into line with the Convention.

17. Turning to the subject of children with a parent who was a non-national, she said that information before the Committee indicated that such children did not enjoy the same benefits as Qatari children, such as access to scholarships and health insurance when they studied abroad. Applicants for naturalization required 25 years' uninterrupted residence in the State party, during which they were not permitted to leave the country for more than six months at any one time, effectively making it impossible for them to study abroad. Upon naturalization, new citizens had to wait another five years in order to acquire most of the rights of other Qataris. Even then, they did not enjoy equal political rights. She asked whether the State party would consider withdrawing its reservation to article 9, paragraph 2, of the Convention and amending the Nationality Act with a view to facilitating the

naturalization of children of non-Qataris and granting them all the rights that normally came with citizenship.

18. **Mr. Al-Muhannadi** (Qatar) said that in addition to 25 years' uninterrupted residence in Qatar, persons applying for Qatari citizenship must have a record of good conduct and an income. Nationality in Qatar was determined by *jus sanguinis* through the father. Dual nationality was not recognized. All other citizenship regulations applied equally to all residents of Qatar and were not discriminatory. The Nationality Act had constitutional force and could not be amended until at least 10 years had passed since its enactment. The Government would look into amending the Act in due course and work with the Supreme Council for Family Affairs and National Human Rights Committee to ensure that children of Qatari mothers were given priority in the naturalization process.

19. **Ms. Al-Easa** (Qatar) said that Qatari women had the right to retain their nationality unless they acquired another nationality. Children with a non-national parent who wished to study abroad could do so without jeopardizing their applications for Qatari nationality, because time spent studying at accredited educational institutions abroad was counted as time spent in Qatar. In any event, most students returned at least every six months to spend holidays with their families.

20. **Ms. Schulz** said that the State party should nevertheless reconsider its position on dual nationality. One approach could be to recognize dual nationality for children until they reached the age of 18, at which point they could opt for one or the other.

21. **Ms. Jahan** asked how many bidoons, or stateless persons, particularly women, had obtained Qatari citizenship, whether bidoon children were registered at birth or in the register of residents and had access to education and to what extent did bidoon women enjoy the right to health services and employment.

22. **Mr. Al-Muhannadi** (Qatar) said that the Government regularly monitored the number of bidoons in the country, which remained low. Specific legislation had been drawn up to provide the bidoon community with temporary residence permits which allowed it to access health and education services.

23. **Ms. Gbedemah** asked why so few girls pursued a vocational education as compared with general secondary education. What was the status of the plans for the establishment of a technical secondary school for girls, including medical laboratory science and other technical subjects, and how were girls being encouraged to follow technical and vocational streams? Would the delegation provide information on and reasons for separate curricula for girls and boys in certain schools in Qatar? Why was there a significantly higher number of girls than boys attending school? No data had been provided on the enrolment rates of Qatari and non-Qatari women at tertiary level.

24. **Ms. Al-Sulaiti** (Qatar) said that technical subjects were incorporated in the general secondary school curriculum for all students. Boys and girls were given career guidance early on at the secondary level of education, including field visits to workplaces to open students up to the possibility of pursuing a technical career path. The general school curriculum included optional subjects such as law and business and students were required to do internships to obtain school-leaving certificates. Such internships took into account the needs of the labour market and the community and provided equal opportunities for men and women. In addition, several schools and universities specializing in subjects such as graphic design, medicine and catering had been established. The enrolment rate of women at Qatar University stood at 75 per cent. The same school curriculum was taught to boys and girls in all educational establishments but there were different types of schools, such as single-sex and independent schools. Lastly, girls accounted for 58 per cent of students who had received grants in Qatar and 56 per cent of those abroad.

25. **Ms. Patten** expressed deep concern about the requirement for a woman to obtain the consent of a male guardian when seeking employment, which appeared to be at variance with the 2030 national vision document. Might the delegation indicate the position of the Supreme Council for Family Affairs on that requirement and any measures to withdraw it? Reports that men earned up to 50 per cent more than women were regrettable. Had the Supreme Council for Family Affairs or the National Human Rights Committee called for a revision of the Human Resources Administration Act to redress the discriminatory provisions in relation to gender equality in employment?

26. Furthermore, it was a matter of serious concern that national labour law did not cover domestic workers. While some rights might be extended to domestic workers through employment contracts, a law was need for the terms of the contracts to be properly enforced. She asked whether there was a time frame for the adoption of legislation on domestic workers, whether it complied with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), whether it provided for the establishment of a reporting mechanism for infringements of rights and for mandatory weekly rest periods and what was the position of the Supreme Council for Family Affairs on the draft. Were there plans to accede to ILO Convention No. 189? Lastly, what steps were being taken to abolish the sponsorship, or *kafala*, system and to ensure that domestic workers' passports were not confiscated upon arrival in Qatar, illegal recruitment fees were not charged and signed contracts were not altered? How did the Government envisage working with other Governments to ensure that domestic workers arrived in the country free of debt?

27. **Mr. Al-Obaedli** (Qatar) said that the country's legislation contained no requirements for the consent of a male guardian for women seeking employment. The national labour law was based on the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which Qatar had ratified in 1976. It enshrined gender equality and included provisions on wage equality, equal opportunities for training and promotion and employment protection, including maternity leave and the prohibition to work in jobs deemed hazardous. The Act on human resources did not discriminate between men and women and recruitment was based on merit. The bill on domestic workers was currently under consideration by the legislature and would contain provisions concerning working hours and leave. Domestic workers were protected by the Civil Code, which also regulated contracts between employers and domestic workers, and by bilateral agreements with numerous labour-exporting countries. The Ministry of Labour was responsible for monitoring employment agencies and conducted unscheduled labour inspections. Fourteen employment agencies of domestic workers were prosecuted in 2012 for breaching the law.

28. **Ms. Nwankwo**, noting with concern the widespread negative attitudes and lack of knowledge about HIV/AIDS, asked about measures to raise awareness, especially among women, and about travel restrictions on foreign persons living with HIV/AIDS. Did the Government envisage reviewing mandatory HIV testing of migrant workers in accordance with global standards, which had a particularly negative impact on female migrant workers who tested positive for HIV/AIDS and were often forced to leave the country? Despite relatively low numbers of HIV/AIDS cases, the prevalence rates were increasing. Were there measures to control mother-to-child transmission? Did women have access to legal abortion in cases of rape, sexual assault or incest? In the light of reports that contraceptives were only used to space pregnancies, she asked whether Qatari women could exercise their reproductive health rights to choose the number of children that they wished to have.

29. **Ms. Al-Murekhi** (Qatar) said that workers were tested for various communicable diseases. Public awareness of HIV/AIDS was raised in hospitals and modules on preventing transmission were included in the school curricula.

30. **Ms. Al-Sulaiti** (Qatar) said that tests, including for HIV/AIDS and hepatitis, were available to all pregnant women in obstetric centres and hospitals to reduce mother-to-child

transmission. The law required the authorization of a panel of three medical specialists for an abortion to be performed. The Ethics Committee at the Women's Hospital, under the Hamad Medical Corporation, ensured compliance with regulations on abortion and decided on cases involving rape and HIV-positive women. Contraceptives were available to all women in primary health-care centres for family planning and measures had been taken under the national health strategy and the primary health-care strategy to raise public awareness in that area.

31. **Ms. Zou** Xiaoqiao said that while she was pleased to note that both sexes had the same property ownership rights, it was difficult for women to exercise those rights in practice; she sought clarification as to why women encountered such difficulties and asked what steps the Government had taken to ensure that women were aware of their rights. She wished to know whether the Government had launched initiatives to eliminate customs that impeded women's enjoyment of their rights and to increase women's access to credit. Did men and women have equal access to credit for starting up or building small businesses?

32. **Ms. Al-Easa** (Qatar) said that women in Qatar were free to own property and had full access to credit; 8,850 women currently owned houses and more than 4,000 loan applications from women to buy or build a house had been approved. Women were fully aware of their rights and no customs existed that would curb the enjoyment of those rights.

33. **Ms. Hayashi** urged the Government to reconsider its reservations to articles 15 and 16 of the Convention. She said that the Committee had been informed that women in Qatar must have the approval of their male guardian to obtain a passport or driving licence and to travel abroad; she asked whether any complaints lodged by women in that regard had been examined by the courts or the National Human Rights Committee.

34. She wished to know how many marriages of girls under the age of 16 had been approved by the courts since the accession of the State party to the Convention and what criteria had been used by judges to validate such marriages. She asked whether the bill on family procedure prepared by the Council of Ministers included provisions to end discriminatory inheritance practices and how the Government had engaged with community and religious leaders and women's groups to reform custody laws.

35. **Ms. Jahan** asked for information regarding women's legal status as witnesses in court in Qatar, whether Muslim women could marry non-Muslims and whether a link existed between the decrease in polygamy and the increase in the divorce rate given that women often requested a divorce when informed that their husband planned to take a second wife. She recalled that general recommendation No. 21 on equality in marriage and family relations discouraged polygamy.

36. **Ms. Acar**, referring to the law governing marriage to non-nationals, asked for clarification of the meaning of the "social reasons" for such marriages. She also wished to know whether mediation took place in divorce proceedings, including on the grounds of domestic violence.

37. **Ms. Al-Easa** (Qatar) said that legislation requiring women to obtain their guardians' consent in order to travel and hold a driving licence had been repealed.

38. **Ms.** Hind **Al-Sada** (Qatar) said that early marriage was rare in Qatar. A committee had been established to monitor marriages involving minors under 16 years of age and examine the issues surrounding the minimum age for marriage. Mothers were granted custody of their children until they reached the age of 13 for boys and 15 for girls, after which time custody was transferred to the father. The law also allowed women to retain guardianship of children with special needs. The Family Counselling Centre mediated in divorce cases.

39. **Ms. Al-Thani** (Qatar) said that there were 10 circumstances in which women could inherit the same amount as their brothers, and they occasionally inherited more.

40. **Ms. Al-Easa** (Qatar) said that husbands decided on residence, with the consent of their wives. The right of wives to request a separate residence, to study and to travel must be stipulated in the marriage contract, which could not be drafted by women; most marriage contracts did not contain such stipulations. The Social Rehabilitation Centre provided family counselling and attempted to resolve disputes that might otherwise lead to divorce.

41. **Ms. Jahan** asked whether the State party would be willing to reconsider making gradual changes to or ultimately withdrawing its reservations to the Convention and examine the gender equality measures adopted in other Islamic countries.

42. **Ms. Hayashi** asked whether women could challenge inheritance rulings and, if so, on what grounds. Would Qatar consider prohibiting early marriage and raising the minimum age to 18 for girls?

43. **Ms. Haidar** said that the Majlis Al-Shura should be involved in the debate on women's rights so that relevant laws could be passed and a quota for women's representation in the legislative body should be implemented at the next election.

44. **Ms. Acar** asked whether there was mediation in divorce cases where violence had occurred.

45. **Ms. Patten** asked whether, in practice, women required the approval of their guardians to obtain a passport, travel and work, even though the relevant legislation calling for such approval had been repealed. Given that Qatar had ratified the Convention on the Rights of the Child, she asked why the best interests of the child were not considered with regard to custody and early marriage.

46. **Ms. Al-Easa** (Qatar) said that the Majlis Al-Shura was currently limited to a consultative role. Efforts would be made to ensure sufficient representation of women in the parliament once the first elections had taken place; however, women's participation in the Majlis would also depend on their willingness to stand for election. While some families or employers might require the authorization of a woman's guardian for her to work, such authorization was not required by law.

47. Polygamy was permitted under sharia law but was rare in Qatar, where the law provided that a man must seek the approval of his first wife in order to take a second. Most divorce cases in which mediation was successful did not involve domestic violence. Domestic violence cases were covered by the Criminal Code and other laws. Pending draft legislation to streamline family proceedings would improve the settlement of family disputes. Turning to the reservations made to the Convention, she said that the Government of Qatar was willing to examine the best practices of other Islamic countries with a view to possible reforms. Sharia law did not permit Muslim women to marry non-Muslims.

48. A bill was being examined that would raise the minimum age for marriage to 18 for women, in accordance with the Convention on the Rights of the Child. Furthermore, the Family Code provided that the best interests of the child should be taken into account in custody cases, for example by granting permanent custody of children with disabilities to the mother.

49. **Mr. Al-Muhannadi** (Qatar) said that, by law, women did not require the authorization of a guardian to travel.

50. **Ms. Al-Easa** (Qatar), thanking the Committee for its comments, said that the meeting had been a valuable opportunity to discuss the country's policies on the rights and status of women. Qatar was committed to ongoing cooperation with the Committee to achieve the goals of the Convention.

51. **The Chairperson** said that the Committee encouraged the State party to adopt all possible measures to implement its recommendations. Speaking in her capacity as an expert, she said that the State party's significant efforts to transform its society should be redoubled. It was vital for Qatar to reconsider its reservations to the Convention and she hoped that it would follow the lead of other Islamic countries. Lastly, legislation concerning migrant workers and violence against women should be strengthened.

The discussion covered in the summary record ended at 5.15 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1193rd meeting
Held at the Palais des Nations, Geneva, on Friday, 14 February 2014, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined third and fourth periodic reports of Kazakhstan

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *(continued)*

Combined third and fourth periodic reports of Kazakhstan (CEDAW/C/KAZ/3-4; CEDAW/C/KAZ/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*

2. **Ms. Bekbossynova** (Kazakhstan), introducing the combined third and fourth periodic reports of Kazakhstan (CEDAW/C/KAZ/3-4), said that her Government had adopted a plan of action for implementing the Committee's previous recommendations (CEDAW/C/KAZ/CO/2). The implementation of that plan was monitored on an annual basis. Important legislation adopted during the reporting period included a law on State guarantees of equal rights and opportunities for men and women and the Domestic Violence Act. Kazakhstan was recognized as a leader in gender mainstreaming in Central Asia.

3. The country's Gender Equality Strategy for 2006–2016 focused on ensuring economic equality by helping people to achieve economic independence, upholding the right to work in any chosen profession and promoting a work/life balance. In addition, funding for the Women's Enterprise Programme had increased sevenfold since the programme's inception in 2002. A system had been established under the 2020 Business Road Map to provide targeted grants to innovative start-ups in priority sectors of the economy. One in every five recipients of those grants was a woman. Nearly 4,000 women had received training in the basic skills involved in running a business, and a similar number had received microcredits for use in starting up their own business ventures. As part of the implementation of the Road Map, a number of vocational education programmes, job creation strategies and internship and work placement schemes had been developed; the percentage of women participants in those initiatives was significant. As a result, the number of women in employment had increased by 13 per cent during the reporting period, while unemployment among women had decreased to account for 55 per cent of total unemployment.

4. Kazakhstan had an ageing population; pensioners accounted for over 10 per cent of the population, and more than half of them were women. In 2013, steps had been taken to begin updating national legislation by, among other things, bringing the retirement age for women into line with the retirement age for men by 2027. In keeping with the 2020 Employment Road Map, efforts would be made to build up women's job skills by providing them with free education, opportunities to start and expand their own businesses, and the option of moving to economically dynamic urban areas if they so wished. Since 2011, more than 100,000 women had benefited from activities conducted in connection with the Road Map.

5. Efforts were being made to improve maternal and child health protection in line with recommendations made by the World Health Organization. The number of medical check-ups for children and reproductive health screenings for women had been increased. Developments in highly specialized areas of paediatrics, such as neonatal surgery, had significantly reduced infant mortality rates.

6. Women's participation in politics was considered to be an important driver of development. Some 55 per cent of civil servants in Kazakhstan were women, while the representation of women in political parties ranged from 20 to 55 per cent. During the reporting period, the number of women in government had doubled, and a female deputy

prime minister had been appointed in 2013. Quotas had not been used as a means of ensuring gender equality in politics, but a plan of action was in place for promoting women's participation in decision-making, and the importance of having a gender balance was taken into account when compiling lists of candidates for political office. Following recent elections, the number of female *akims* (administrative heads) of rural communities had increased by 32. With regard to women in the judiciary, one third of Supreme Court judges and more than half of the judges in courts at oblast level were women.

7. Information campaigns were held regularly to promote women's participation in political and social life and, in particular, to encourage women to take leadership roles. A global women's congress was held annually as part of the Astana Economic Forum. In 2014, a women's forum would be held to discuss the role of women in the new economy. Women and men had equal opportunities to represent Kazakhstan at international level.

8. Every effort was being made to ensure that women had the same rights as men in the area of education. Equal access to education was guaranteed by law and in practice. All schools offered a good quality education to boys and girls alike. Nearly 50 per cent of students in vocational schools and 57 per cent of students in higher education were female. More than half of the Kazakh students who were studying abroad were women, and more women than men received scholarships. There were currently 37 gender-sensitive elective courses on offer in the higher education institutions of Kazakhstan, and gender issues received considerable media coverage.

9. A great deal of attention was being devoted to the issue of violence against women. At the Committee's recommendation, the Domestic Violence Act had been adopted and had entered into force, and the number of cases of domestic violence had fallen significantly as a result. Unfortunately, in recent years cases of early marriages had been reported. Concerted efforts were being made to prevent that from happening in the future. Crisis centres and shelters for women had been set up throughout the country and were coordinating their work with the police and NGOs. During the reporting period, 167 specialists, including psychologists, lawyers and social workers, had been on hand to assist victims who had sought refuge in those centres. Telephone hotlines were also available to assist women victims of domestic violence. A large-scale media campaign was being run to raise awareness about domestic violence, and a number of nationwide events had been organized as part of that campaign. Those events had also received broad publicity through social media and on the website of the Ministry of the Interior. The UN-Women multi-country office in Kazakhstan had made valuable contributions to that effort by disseminating articles and videos and organizing events on the prevention of domestic violence. The application of the Domestic Violence Act was being monitored with a view to identifying and bridging any loopholes or gaps in that law.

10. **Ms. Šimonović** said that she welcomed the State party's adoption of legislation on equal rights for men and women and on domestic violence. She would appreciate clarification on the legal status of the Convention in the State party. The Constitution of Kazakhstan stated that, in some cases, additional national laws had to be enacted before the provisions of international treaties could be invoked in court. She wished to know whether that was the case for the Convention, or whether the Convention itself was directly applicable. If so, were there any cases in which it had been directly invoked in the nation's courts? She would also like to know whether there was a definition of indirect discrimination in the country's laws that was in line with the definition contained in article 1 of the Convention.

11. **Ms. Pimentel** said that, in its replies to the Committee's list of issues (CEDAW/C/Q/3-4/Add.1), the State party had referred to a gender-based legal analysis of existing legislation and had reported that, "on the whole, it had found no indications or elements of gender inequality" in the instruments that had been analysed. She wished to

know whether the scope of that analysis had encompassed the identification of any gaps or shortcomings in legislation that could result in discrimination, or whether it had simply focused on identifying discriminatory provisions in the law.

12. **Ms. Neubauer** said that she would be interested in learning of some examples of the positive impact of transferring the secretariat of the National Commission on Women's Affairs and Family and Demographic Policy to the Office of the President. She would appreciate information on the staffing of the Commission's secretariat. What proportion of the staff worked directly on issues related to women's rights and gender equality? Did the Commission have its own budget? If not, how was it funded and was its funding sufficient? She would like clarification regarding the specific powers and mandate of the Commission. She would also like to know whether the Committee's recommendations had been incorporated into the work being done to develop a scientific basis for determining the priorities and principles of gender policy and whether NGOs were involved in that process. She wished to know how the implementation of action plans related to gender equality was evaluated and whether any shortcomings had been identified.

13. **The Chairperson** said that the State party was to be commended on the cross-cutting approach that it had applied in its report, which had encompassed health care, education, and women's participation in the economy and politics. She wondered whether that approach reflected a horizontal management structure in local administration and policymaking functions. As Kazakhstan was a crossroads of civilizations, she wished to know what steps were taken to ensure that women from ethnic minorities were taken into account in policymaking and in efforts to achieve gender equality.

14. **Ms. Bekbossynova** (Kazakhstan) said that international treaties to which Kazakhstan was party took precedence over domestic legislation.

15. **Mr. Bakirov** (Kazakhstan) said that the principles of non-discrimination and gender equality were enshrined in the country's laws. Any discriminatory practices that resulted in psychological or physical harm were subject to sanctions. All court decisions had to be gender-neutral, and the Labour Code upheld the principle of equality in all employment-related matters. National laws were fully compliant with both the spirit and the letter of the Convention, and efforts to further improve existing legislation continued.

16. **Ms. Kassenova** (Kazakhstan) said that international instruments to which Kazakhstan was party were an integral part of the country's legal system. In response to the Committee's recommendations, the courts had been encouraged to refer directly to those international instruments in their decisions. Statistics on the cases in which such references had been made were fed into a database, and she could cite several decisions as examples. In 2010, some 110 training courses on international instruments had been offered to judges, and efforts were also being made to educate the public about the rights set out in those instruments.

17. **Ms. Azzimova** (Kazakhstan) said that, pursuant to the Gender Equality Strategy for 2006-2016, all national laws were being examined to ensure their compliance with the principle of gender equality. While there was no strict framework for that procedure, the Ministry of Justice had established rules on how it should be carried out. Since 2010, legal experts had perused about 2,000 laws and bills and had not found any that ran counter to the principle of gender equality. Even if there were a law that did violate that principle, however, it would be superseded by the Convention, which prevailed over national laws. The Government recognized that no law was perfect and that there was always room for improvement.

18. **Ms. Satvaldinova** (Kazakhstan) said that the Criminal Code provided for prison sentences for persons found guilty of sexual harassment, and Parliament was considering

including provisions on sexual harassment in the workplace and in public places in the new Code of Administrative Offences.

19. **Ms. Bekbossynova** (Kazakhstan) said that the fact that the National Commission on Women's Affairs and Family and Demographic Policy was attached to the Office of the President was an advantage, as it made it possible to expedite work procedures. The National Commission worked at the regional and local levels, as well as the national level, and employed about 280 staff members. It had a budget of 30 million tenge, which was roughly 20 per cent of the entire government budget for women's affairs and family and demographic policy.

20. **Mr. Porubaimekh** (Kazakhstan) said that the Peoples' Assembly of Kazakhstan was a constitutional consultative body that represented ethnic groups from all regions of the country and followed the situation of women and inter-ethnic relations in Kazakhstan. Two national expert councils funded by the State conducted surveys and research on the situation of women and family affairs and presented their findings to the President and to Parliament.

21. **Ms. Neubauer** asked what shortcomings had been identified in the law on State guarantees of equal rights and opportunities for men and women and how the Government planned to address those flaws. According to information before the Committee, that law, as it stood, was not enforceable and did not provide for any temporary special measures or include a suitable definition of direct and indirect discrimination.

22. **Ms. Pimentel** said that it was her understanding that, under the Criminal Code, perpetrators of offences could in some cases be released from criminal liability if they reconciled with the victim and made good for the harm caused. She wished to know whether the risks which that provision posed for women victims of violence had been analysed, as reconciliation very often led to revictimization.

23. **Ms. Šimonović** said that she would like to know whether the definition of discrimination set out in national law included indirect discrimination.

24. **Ms. Azzimova** (Kazakhstan) said that the Convention was directly applicable in the Kazakh legal system and that any shortcomings in the law on State guarantees of equal rights and opportunities for men and women would therefore be made up for by the Convention itself. Thus far, there had been no proposals to amend that law, but any such proposals would be given due consideration. That statute was not the only law that addressed discrimination against women, and indirect discrimination was covered by the prohibitions on various forms of discrimination set out in national laws and regulations.

25. **Ms. Tarassenko** (Kazakhstan) said that both Parliament and the National Commission on Women's Affairs and Family and Demographic Policy monitored implementation of the law on State guarantees of equal rights and opportunities for men and women. In cooperation with UN-Women, the Commission was conducting a survey on the need for temporary special measures. The results of that survey might lead to changes in the law on State guarantees.

26. **Ms. Bekbossynova** (Kazakhstan) said that the Domestic Violence Act was currently being reviewed by Parliament.

27. **Mr. Lepekha** (Kazakhstan) said that less serious disputes involving domestic violence could be settled out of court through mediation. In such cases, the police carefully monitored the situation over a three-month period, and the perpetrator could be ordered to pay compensation.

28. **Ms. Satvaldinova** (Kazakhstan) said that, in cases settled through mediation, the offence was still registered. In 2013, about 400 women had filed complaints of sexual

domestic violence. Of those cases, about 100 had resulted in prison sentences, and others were still under investigation.

29. **Ms. Neubauer**, while acknowledging the improvements made during the reporting period, said that further results-oriented measures were needed to improve women's representation in political and public life and in decision-making positions, to close the gender wage gap, to reduce occupational segregation and to improve protection for disadvantaged groups of women. She would like to know whether any steps had been taken to increase public awareness about the usefulness of temporary special measures as a means of achieving de facto gender equality and whether the possibility of implementing such measures had been discussed with all stakeholders. Why had the proposal to include such measures in the law on State guarantees of equal rights and opportunities for men and women been rejected? She wondered how the Government hoped to achieve the target of having 30 per cent of decision-making posts filled by women without implementing any results-oriented measures.

30. **Ms. Šimonović** said that she welcomed the inclusion of a Member of Parliament in the State party's delegation. She would appreciate further information on the bill regulating shelters for victims of domestic violence and on State cooperation with the NGOs that ran those shelters. She also wished to know more about the types of protection orders available to women victims of violence. How would the State decide which types of violence would be covered by specific domestic violence legislation and which types would be punished under the Criminal Code? She wished to know whether the State party planned to refine the definition of rape that appeared in its legislation. Lastly, she would like to have statistics on the number of women who had been murdered by a partner or former partner.

31. **Ms. Acar** said that the State party was to be commended for its high ranking in the Global Gender Gap Index of the World Economic Forum, but it was important to be vigilant in detecting social and cultural endorsements of gender stereotypes, which were sensitive issues. Would the planned legislation on violence against women cover other types of violence against women, in addition to domestic violence? She would like to urge the State party to take account of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence when drafting that legislation, particularly its provisions on sexual harassment and stalking.

32. **Ms. Gabr** said that she welcomed the passage of the new legislation on human trafficking and would be interested to learn what steps were being taken to raise awareness of the issue among law enforcement officials and members of the judiciary. She wished to know to what extent the Government was willing to cooperate with other countries in the fight against trafficking. What mechanisms were in place for the identification and referral of victims?

33. **Ms. Leinarte** said that she was aware that prostitution was legal in Kazakhstan and would like to have statistics on the scale of prostitution in the country. She wished to know whether HIV testing and other free medical services were available to street prostitutes.

34. **Ms. Bekbossynova** (Kazakhstan) said that the President had established a 30 per cent quota for women in senior government posts, and an action plan for achieving that target which covered the period up to 2016 had been drawn up.

35. **Ms. Tarassenko** (Kazakhstan) said that a special programme had been established to support women entrepreneurs, particularly in rural areas. Political parties were encouraged to adopt voluntary quotas in order to ensure that at least 30 per cent of their candidates were women. It was expected that at least some political parties would use such quotas in the upcoming parliamentary elections.

36. **Ms. Azzimova** (Kazakhstan) said that State financing was crucial to ensure the sustainability of the country's crisis centres and the continued presence of experienced staff, and funding for those centres had therefore been extended for another three years.

37. **Ms. Bekbossynova** (Kazakhstan) said that a regional seminar had been held in July 2013 on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. A group of experts had been working with the Government of Kazakhstan to assist it with the preparations for ratification and implementation of that Convention.

38. **Mr. Lepekha** (Kazakhstan) said that the 2009 Domestic Violence Act had proven to be very effective. Over 140 restraining orders had been issued, more than 1,000 persons had been prosecuted in 2013, the number of cases of domestic violence had fallen by 23 per cent since 2009, and spousal murders had decreased from 330 in 2009 to 280 in 2013. Under a special administrative law dealing with offences where physical violence was not a factor, persons could be held in preventive detention for up to 5 days. There were still some shortcomings in the Domestic Violence Act, which was therefore going to be amended so that persons who committed domestic violence could be arrested, rather than merely fined, and so that restraining orders could be extended for up to 30 days. The police also worked with the crisis centres to provide support for victims of domestic violence. A bill was currently before Parliament that would amend both the Administrative Code and the Criminal Code provisions on the more serious offences. Domestic violence was now covered more thoroughly in the Criminal Code, and most offences fell under criminal law rather than administrative law.

39. Existing legislation on human trafficking and on sexual or labour exploitation had been amended to bring national laws into line with international law. There had been 136 convictions for human trafficking in 2013, compared to 58 in 2008. Penalties were harsher when minors were involved, and a specific provision on child prostitution and on the organization of prostitution rings had been incorporated into the Criminal Code. An intergovernmental committee had been set up in 2006 which was designing campaigns to raise public awareness about the legislation on human trafficking and to encourage victims to go to the police. A special government office had been created to deal with human trafficking, and the Ministry of the Interior provided training on means of combating human trafficking and illegal migration, as the two were interrelated. Kazakhstan was also working closely with other countries, international organizations such as the International Organization for Migration (IOM), civil society and NGOs to put an end to trafficking.

40. **Ms. Toleghaliyeva** (Kazakhstan) said that 33 medical consultation units had been set up nationwide to provide confidential health-care services to prostitutes, including HIV testing, free condoms and psychological support. It was estimated that 96 per cent of sex workers used condoms and that 77 per cent had been tested for HIV. Prostitutes accounted for only around 1 per cent of persons living with HIV.

41. **Ms. Bekbossynova** (Kazakhstan) said that the National Commission on Women's Affairs and Family and Demographic Policy worked on an ongoing basis to convince people to relinquish patriarchal attitudes and deep-rooted stereotypes. It had organized training courses and seminars to raise public awareness about the harmful effects of early and forced marriage and violence against women. It had also developed a programme to help women achieve a work/life balance and had established a business club for women.

42. **Mr. Porubaimekh** (Kazakhstan) said that NGOs received State funds to assist them in their efforts to promote gender equality. Funding was also provided to help political parties to provide training courses for women who wished to run for Office and to organize leadership courses for women. Financing was also supplied by the Ministry of Information

for activities aimed at helping to change patriarchal attitudes through education activities, television programmes, the mass media and websites.

43. **Ms. Acar** said that she would like to know if the amendments to the Domestic Violence Act would conform to international standards and whether they were modelled on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. What action was being taken to eliminate patriarchal and stereotypical views of the role of women in the family and to safeguard the rights of women as individuals?

44. **Ms. Zou** Xiaoqiao said that she would like to know whether amendments to the Domestic Violence Act included provisions that would make domestic violence a criminal offence. Were there plans to set up crisis centres in cities or regions where no such centres currently existed?

45. **Mr. Lepekha** (Kazakhstan) said that international experts had been consulted on the proposed amendments to the Domestic Violence Act. The amended text would cover any deliberate act of physical or psychological violence or a threat of such violence directed at another individual in a domestic environment. All administrative infractions relating to domestic violence had been classified as criminal offences in the draft revised Criminal Code. There was no specific provision on stalking in the Criminal Code, but it would be covered under the new Administrative Code, and cases based on those charges could be brought before the civil courts. The laws on prostitution focused on punishing persons who involved minors in such activities or organized prostitution rings.

46. **Ms. Bekbossynova** (Kazakhstan) said that there were two regional crisis centres and that more would be opened as and when required.

47. **Mr. Balykbayev** (Kazakhstan) said that the main way to overcome negative stereotypes was through education and awareness-raising among young people. Gender studies courses were included in school curricula, and the promotion of gender equality in school began early on. Family values were also instilled. Gender-sensitive training was provided for teachers and social workers, and steps were being taken to encourage parents to change attitudes that ran counter to gender equity.

48. **Ms. Khairullina** (Kazakhstan) said that the State and NGOs were working with the spiritual leaders of different ethnic groups and religious communities, especially in rural areas. Seminars and programmes had been organized to help those leaders to gain a better understanding of national and international legislation on women's issues and gender equality. A pamphlet on reproductive health issues and the prevention of violence against women had been produced for distribution at mosques and churches.

49. **Ms. Satvaldinova** (Kazakhstan) said that the Criminal Code included a provision on acts of psychological or physical violence or the threat of such violence, which were punishable by a fine or imprisonment. If the victim had been left without means of support, was pregnant or had been subjected to torture, then those acts were punishable by terms of imprisonment of at least 7 years.

50. **Ms. Šimonović** suggested that the authorities working on the amendments to the Domestic Violence Act might wish to refer to the portions of the Committee's general recommendation No. 19 that dealt with the obligations arising from article 2 (e) of the Convention and the due diligence obligation of all States parties to prevent private individuals from committing violence against women, to punish the perpetrators of such violence and to provide compensation. The Committee's jurisprudence also provided clear guidance on provisions relating to protection orders and other measures that should be incorporated into domestic violence laws.

51. **Ms. Pires** said that the overall low level of women's representation at decision-making levels remained a cause of concern for the Committee. She would welcome further information on the steps being taken to promote women's assumption of leadership positions in political parties. What factors hindered women from being elected to national and local legislatures and how was the problem being addressed? She would like to know whether any assessment had been made of the effectiveness of the campaigns conducted to combat patriarchal attitudes and stereotypes that made it more difficult for women to gain access to political office. What measures had been adopted in an effort to achieve the target of having women in 30 per cent of the seats in all national and local decision-making bodies by 2016? In those bodies that had already achieved the 30 per cent target, was there political will to move towards parity by 2016? Was there a timetable for the review of current legislation with a view to the possible incorporation of provisions on temporary special measures? She wondered whether there was political will to move towards a mandatory quota on women's representation, with possible sanctions for political parties that were not in compliance. She would like to know what steps would be taken to increase the number of women in the diplomatic service. How many women represented Kazakhstan internationally and, out of the total diplomatic service, what percentage of the country's representatives were women?

52. **Ms. Tarassenko** (Kazakhstan) said that women were steadily taking on a greater role in national and local government and in the diplomatic service. A number of measures had been adopted to increase the number of women in decision-making bodies to a minimum of 30 per cent of the total by 2016. Regional groups of female politicians were making a valuable contribution to the development of gender policy and the effort to enable women to attain influential positions in politics and society.

53. **Ms. Zhunussova** (Kazakhstan) said that the Labour Code prohibited discrimination in employment. Around 40 per cent of the diplomatic staff in the Ministry of Foreign Affairs were women, as compared to 26 per cent in 2004, and around 6 per cent of the persons holding leadership positions in the diplomatic service were women. Women regularly participated in governmental delegations representing Kazakhstan at the international level. Of the country's five representatives to the United Nations, three were women.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1194

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1194th meeting
Held at the Palais des Nations, Geneva, on Friday, 14 February 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Kazakhstan (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined third and fourth periodic reports of Kazakhstan (continued)
(CEDAW/C/KAZ/3-4; CEDAW/C/KAZ/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*

2. **Ms. Pires** asked whether the target of 30 per cent of women in political decision-making positions under the current gender equality strategy would be reached by 2016. If not, were there plans to address the issue?

3. **The Chairperson**, speaking in her capacity as an expert, asked whether there was a specific parliamentary committee on women's rights and gender equality.

4. **Ms. Tarassenko** (Kazakhstan) said that steady progress was being made towards reaching the 30 per cent target under the gender equality strategy by 2016. To that end, work was being done to ensure that gender policies were implemented at the local level and to provide women with leadership training. There had been a significant improvement in women's representation in elected office, with around a quarter of legislative and a fifth of executive positions held by women. Women parliamentarians represented the interests of Kazakhstan at international forums such as the Inter-Parliamentary Union Assembly and one served as the vice-chairperson of the Asian Forum of Parliamentarians on Population and Development. The parliamentary Committee on Social and Cultural Development was the body responsible for dealing with gender equality issues.

5. **Ms. Bekbossynova** (Kazakhstan) said that five members of Parliament were currently working closely within the Human Rights Commission under the Office of the President to ensure that legislation on gender equality was properly implemented.

6. **Ms. Jahan** asked for details of the preferential treatment given to foreign women married to Kazakh nationals who wished to acquire nationality or permanent residence. What citizenship status was afforded to children above 14 years of age born to a stateless mother and Kazakh father without permanent residence, and how did the law provide for the protection of children of stateless parents? While all persons had a legal right to apply for naturalization, in practice long, complicated and expensive administration procedures prevented many people from applying. What temporary special measures were taken or envisaged to ensure that stateless women and girls had access to education, health services, housing and employment and exercised their right to freedom of movement? What was being done to reduce and prevent statelessness, raise awareness among stateless women of residency and birth registration procedures and streamline those procedures? The State party might consider mobile birth registration clinics in order to reach remote rural areas. She encouraged the State party to adopt measures within the framework of the agreement signed between the Office of the United Nations High Commissioner for Refugees and UN-Women to promote the empowerment of refugee women.

7. **Ms. Bekbossynova** (Kazakhstan) said that the State party had ratified the Convention on the Nationality of Married Women under which men and women had the same citizenship rights; women married to Kazakh citizens who sought to acquire citizenship and permanent residency permits were afforded preferential treatment.

8. **Ms. Azzimova** (Kazakhstan) said that under the Citizenship Act Kazakh nationals residing outside the country or married to non-nationals maintained their citizenship. Referring to paragraph 284 of the periodic report, she added that children of a Kazakh citizen and a non-national or stateless person acquired Kazakh nationality irrespective of

their place of birth. Births needed to be registered within two months, which could be done electronically. Birth certificates were usually produced within two days, with a maximum period of one month if details needed to be verified. Under the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, official documents produced by the Kazakh authorities were recognized by other States of the Commonwealth of Independent States.

9. **Ms. Toleghaliyeva** (Kazakhstan) said that free health care was guaranteed to all Kazakh nationals and a bill to extend primary health care to refugees was currently under consideration. At present, medical care in the event of emergency and of a risk of infectious disease was provided to all persons in the country.

10. **Ms. Jahan** asked whether children born to stateless parents in Kazakhstan were registered at birth, in accordance with the Convention on the Rights of the Child; what was being done to streamline the naturalization process for stateless women; and whether the pending bill on health care covered stateless women.

11. **Ms. Toxeitova** (Kazakhstan) said that all permanent residents in Kazakhstan, including stateless persons, were entitled to social benefits. All such persons were issued an identity card with a personal identification number which was entered into an automated database linked to the relevant government departments, including the Ministry of Justice and the civil registry office. The system thereby enabled all residents to apply online for social benefits, including childbirth benefits, with their identification number.

12. **Ms. Azzimova** (Kazakhstan) said that proof of place of residence was required for a birth certificate to be issued in Kazakhstan.

13. **Ms. Bekbossynova** (Kazakhstan) said that the bill on health care would extend free health care to refugees.

14. **Ms. Acar**, commending the high level of education among girls and women in Kazakhstan, requested details on the trends in girls' education and the subject areas chosen by girls in secondary vocational and technical training. Given the correlation between the school dropout rate and early marriage, she asked the delegation for data on the dropout rate disaggregated by gender, region and ethnicity and information on policies on school dropouts. Specific programmes for girls who had dropped out of school also needed to be developed to promote women's education.

15. **Ms. Gbedemah** asked what temporary special measures had the State party envisaged adopting to follow up on the Committee's recommendation to encourage diversification of the educational choices of boys and girls and to introduce girls to the possibility of studying subjects such as science and engineering. What were the social and economic factors that led girls to drop out of school and what was being done to address the root causes of dropping out? How many men and women were enrolled in gender studies courses at higher educational institutions? She asked how many girls entered into early marriage; what was the prevalence of such marriages in urban and rural areas; at what stage did girls tend to drop out of school; and what measures were in place to prevent them from doing so. Lastly, she asked whether there were plans to raise awareness about the issue of early marriage in schools by providing sex education, including reproductive health rights, life skills courses and incentives to keep girls in school.

16. **The Chairperson**, speaking in her capacity as an expert, asked about the involvement of women in new technologies in Kazakhstan.

17. **Ms. Zou** Xiaoqiao said that, despite the reduction in the gender pay gap, it remained a cause for concern. The national gender equality strategy did not appear to include specific measures to provide women employed in low-paid work with vocational and technical training. What long-term measures were taken to close the pay gap and to address the

occupational segregation of men and women? She asked what steps had the Government taken to support self-employed women and ensure that they were covered by the social security system, especially rural women in the household sector and urban women in the informal sector, who were particularly vulnerable. Women were barred from taking up many hazardous occupations and she asked whether the Government planned to analyse the impact of employment restrictions and improve working conditions in order to allow women to be employed in those sectors. She encouraged the Government to legislate against sexual harassment in the workplace and provide legal assistance to victims.

18. **Ms. Bekbossynova** (Kazakhstan) said that education was free and compulsory; female dropouts could receive further training under the national employment programme for the period up to 2020.

19. **Mr. Balykbayev** (Kazakhstan) said that Kazakhstan was committed to ensuring equal rights to education for men and women. Thirty per cent of technology and science students were women. There were several reasons for the relative unpopularity of those fields among women, such as the perception that they involved arduous or hazardous work and women's traditional preference for education and the humanities.

20. The dropout rate among girls was only 2 per cent and owed principally to early marriage. During the previous 10 years, approximately 30,000 girls between the ages of 15 and 18 had been married. The discrepancy between national and United Nations statistics on early marriages existed because the United Nations statistics included unofficial religious marriages. The Government was aware of the problem, and although no specific measures existed to educate the girls affected, evening classes and remote learning programmes were open to all.

21. Several courses on gender had been developed and were available to students in education establishments across the country. Two research institutes were involved in the development of a policy on gender education. They had examined specialized gender programmes, devised a comprehensive methodological approach for high schools, published textbooks and organized an annual conference on gender education.

22. **Ms. Zholdybayeva** (Kazakhstan) said that programmes to improve the business and management skills of rural women and increase the number of women setting up small- and medium-sized enterprises had been established. A business road map had been drawn up and guidance on setting up a business had been given to 31,000 women, 80 per cent of whom lived in rural areas. Women in remote regions had access to training and counselling services through mobile business development centres.

23. **Ms. Toxeitova** (Kazakhstan) said that the gender pay gap had narrowed since 2010. Furthermore, the salaries of public sector workers, the majority of whom were women, would be increased significantly and efforts were being made to recruit more men into the public sector.

24. In 2011, a nationwide employment programme had been established to provide jobs for the unemployed, self-employed and vulnerable population groups through infrastructure projects in small towns and cities. Additionally, those who wished to work in a particular sector could receive the relevant training for free; to date, several thousands of people had received such training, including many in rural areas. The Government was helping citizens who so wished to move from economically deprived areas and resettle in more developed parts of the country. Furthermore, people in such deprived areas were provided with housing, employment, education and other assistance.

25. Women were encouraged to work after they had had children. Both employed and unemployed mothers received between 50,000 and 90,000 tenge on the birth of a child, as well as a monthly allowance that increased after their fourth child.

26. **Ms. Bekbossynova** (Kazakhstan) said that the social and economic factors causing school dropouts affected boys and girls alike. Women were prohibited from certain occupations in order to protect their health, especially their reproductive health. Nevertheless, the Government would take into consideration the Committee's recommendations concerning the working conditions in hazardous or arduous occupations so as to open up more professions to women.

27. **The Chairperson**, speaking in her capacity as an expert, said that an improvement in working conditions would be preferable to prohibitions against women's employment in certain fields.

28. **Ms. Nwankwo** said that the lack of disaggregated data on drug abuse meant that the extent of the problem could not be evaluated and women-specific responses and treatment could not be developed. She asked whether Kazakhstan planned to collect disaggregated data on drug use, including HIV/AIDS infections, whether it planned to conduct a nationwide study of the impact of its drug policies on the rights of women and whether social protection mechanisms existed to protect women drug users from abuse and provide access to treatment. She wished to know whether the State party would ensure free access to contraception, particularly in rural areas, given that the high abortion rates indicated that abortion was being used as a method of contraception. She asked how sex education could be used to raise adolescents' awareness of reproductive health issues and ensure their access to decent sexual and reproductive health services.

29. While the State party's progress in preventing vertical HIV transmission was highly commendable, undocumented women were unable to access antenatal services and the increase in new HIV cases significantly exceeded population growth rates. She asked whether the Government envisioned conducting research to identify the underlying reasons for dangerous behaviour and measures to supplement existing prevention programmes and providing access to antenatal services, free HIV testing and antiretroviral drugs during pregnancy for vulnerable women. She requested clarification on the provision of the law that called for the prosecution of patients who refused to disclose the possible sources of their infections and encouraged Kazakhstan to repeal the provision.

30. **Ms. Bareiro-Bobadilla** said that she was concerned that increases in social benefits were used to encourage women to have more children and titles such as "heroine mother" were granted to women with many children. She requested information regarding the purpose of those measures, which did not promote the independence of women. She wished to know whether it fell to women to care for children, the sick and the elderly and the extent to which State institutions fulfilled that role. Although women were not prevented from accessing credit, and statistics showed that the number of women doing so was increasing, a comparison with men would be useful. She also wished to know how easy it was for women to access credit in practice. Lastly, she asked how women were encouraged to participate in sport and the arts.

31. **Ms. Gabr** asked for information on microcredit, particularly regarding rural women. She wished to know what percentage of the female population benefitted from the medical trains that provided assistance to rural communities and how many rural women were the victims of domestic violence. She sought clarification of women's property, water, inheritance and land rights and the impact that stereotypes had on those rights. She requested disaggregated data on elderly persons, women with disabilities and stateless women, whose basic rights were sometimes violated, and asked what basic services they received, particularly mental health services.

32. **Ms. Jahan** said that elderly women and women with disabilities faced multiple discrimination in the State party. They were more greatly affected by isolation, domestic violence and the stigma attached to their condition than did their male counterparts. There

were almost twice as many women as men over the age of 60 in Kazakhstan. Drawing attention to the Committee's general recommendation No. 27, she asked whether the State provided special services or paid social welfare benefits to elderly women who had not been in the workforce.

33. The situation of women with disabilities in the State party, to the extent that it could be assessed on the basis of the scant available data, left a great deal to be desired. She asked whether legislation on the social protection of persons with disabilities was gender sensitive and whether any NGOs worked with women with disabilities. She requested data illustrating the extent to which such persons had access to education, health care, training and employment opportunities. She asked whether they benefitted from job quotas in companies or scholarships to universities and technical schools and whether any State benefits were allocated specifically to women with disabilities. She also wished to know why the State party had not ratified the Convention on the Rights of Persons with Disabilities.

34. **Ms. Bekbossynova** (Kazakhstan) said that access to free health care was a constitutional right. Free pharmaceuticals were available to anyone with circulatory disorders. Noting that more than 40 per cent of the country's population lived in rural areas, she said that a system of microcredits enabled rural women in particular to start small businesses.

35. **Mr. Lepekna** (Kazakhstan) said that there were 39,000 drug addicts in Kazakhstan, around 3,000 of whom were women. Drug abuse was considered an administrative offence but in practice that meant only that users who consumed drugs in public places were subject to arrest. Drug addicts who sought medical treatment were not prosecuted. The incidence of domestic violence in rural areas was comparable to that reported in cities.

36. **Ms. Toleghaliyeva** (Kazakhstan) said that treatment for drug addiction was available to all free of charge. A pilot methadone maintenance treatment programme was under way, with the involvement of the Global Fund to Fight AIDS, Tuberculosis and Malaria. Drug addicts not only received free treatment but were also kept under observation. Since 1991, around 20,000 people had been registered as being HIV positive. Ninety per cent of them, including all infected pregnant women and children, were covered by antiretroviral treatment programmes. Only 300 pregnant women had been registered as HIV positive in 2013 and they had all received treatment, including for the prevention of mother-to-child transmission. All women for whom pregnancy represented a threat to their health received contraceptives free of charge. The possibility of making innovative hormonal treatment available to sexually active female minors was being studied by the Ministry of Health and the Ministry of Finance. In order to provide sexually active teenagers with confidential medical and legal assistance, 74 youth centres had been set up around the country. Reproductive health education was provided in schools in biology classes. Pregnant migrant women and their children were entitled to free medical care, regardless of their nationality.

37. **Ms. Bekbossynova** (Kazakhstan) said that, under a Government programme, pensioners aged 50 years and above could be placed in gainful employment with decent pay while continuing to receive a pension.

38. **Ms. Zholdybayeva** (Kazakhstan) said that in 2013 alone around 4,500 women entrepreneurs in rural areas had received financial aid and that some 50,000 rural women had benefitted from consultations with business advisors. Microcredit was available to men and women, mostly in rural areas, under equal conditions and at interest rates of around 6–7 per cent. Business loans at interest rates of up to 14 per cent were also available.

39. **Ms. Toxeitova** (Kazakhstan) said that the Government had undertaken a series of programmes to help women with disabilities to integrate fully into society and to provide

them with State support. Many had found work under the programmes and a number of them acted as advisers to local authorities.

40. **Ms. Bekbossynova** (Kazakhstan) said that the traditional Kazakh family was big and that it was a matter of State policy to encourage couples to have more children. While women with up to three children could generally return to work, those who had more children tended to stay at home. Moreover, large families often lived on low incomes. For those reasons, State subsidies per child increased from the fourth child on.

41. **Ms. Toxeitova** (Kazakhstan) said that a supplement was paid to families with six or more children.

42. **Ms. Leinarte**, referring to paragraph 527 of the State party's periodic report, said that the exceptions made for lowering the official minimum age for marriage seemed to suggest that marriage between persons under 18 years of age was essentially a private matter and thereby to all intents and purposes allowed by the State. She asked the delegation to clarify the meaning of paragraph 534 of the report, which stated that forced marriage was not a punishable offence under the Criminal Code, in apparent contradiction with paragraph 531. She said that she would like to know what constituted a traditional marriage in the State party and whether women were protected in case of divorce if such marriages were not registered. The Committee had been informed that, although polygamy was prohibited by law, the practice was widespread and that there had even been attempts to have it legalized. Noting that, according to the periodic report, Parliament was considering a new draft family code, she asked what its current status was and what amendments were being proposed.

43. **Ms. Azzimova** (Kazakhstan) said that a new Marriage and Family Code had been adopted in December 2011. Overall, the number of early marriages taking place in the State party had remained steady over the previous five years. Statistics indicated that they tended to be somewhat less common in the north and some southern parts of the country. In 87 per cent of such marriages, only the woman was under 18 years of age.

44. **Ms. Kassenova** (Kazakhstan) reiterated that men and women were equal before the law and said that more than half of the divorce proceedings in 2013 had been initiated by women. More than 90 per cent of child support requests in the same period, along with 47 per cent of demands for ownership of marital property, had been filed by women. The interests of men and women were accorded equal weight before the courts.

45. **Ms. Bekbossynova** (Kazakhstan) said that Kazakhstan was a secular State and that all traditional marriages must be registered with the appropriate State authorities.

46. **Ms. Azzimova** (Kazakhstan) said that forced marriages were not permitted under the law and therefore entailed no legal obligation on the part of spouses. So-called traditional marriages did take place in the State party, but only spouses whose marriage was registered with the civil authorities were entitled to the protection of their rights under the law. Amendments to family law and to legislation on the enforcement of penalties introduced in January 2014 provided for stiffer administrative fines where a former spouse failed to meet his or her obligation to provide child support. Non-payment of child support had previously been considered a criminal offence only when it resulted from bad faith. That notion had been abandoned and all gaps in the law regarding the payment of child support had thus been closed.

The discussion covered in the summary record ended at 4.55 p.m.